

# Louisiana Bar **JOURNAL**



**Fred A. Blanche, Sr.**

**President**

**Louisiana State Bar Association**

**Volume VII**

**MAY, 1959**

**Number 1**

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# Louisiana Bar **JOURNAL**

*Published Quarterly by the  
LOUISIANA STATE BAR ASSOCIATION*

101 SUPREME COURT BUILDING

NEW ORLEANS, LA.

Volume VII

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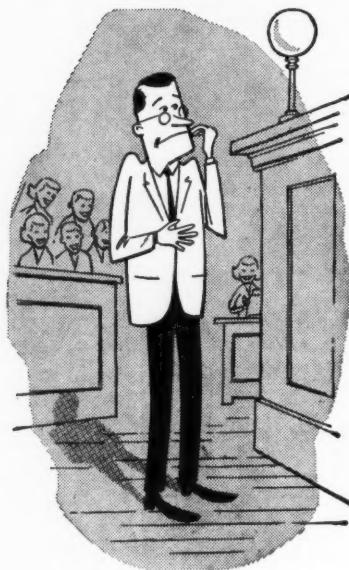
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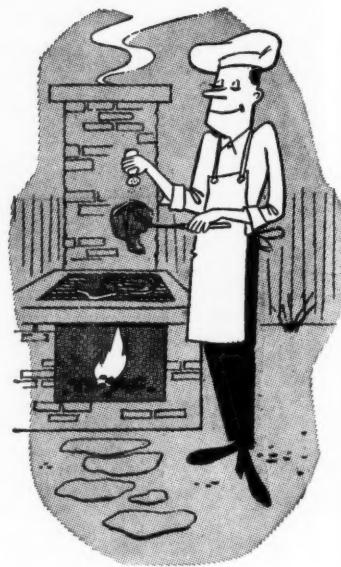
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the grill*

*By opponents' citations, my practice  
stood still.*



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# Contents

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### ANNUAL MEETING FEATURES

General Convention Report	9
First 10 Years As Administrative Officer of the Supreme Court, by Chief Justice John B. Fournet	11
Report and Address of the Past President, by Harry McCall	19
Government Is Your Business, by Chief Justice John R. Dethmers	25
The French Language in English and American Law, by Sidney S. Alderman	33
That Men May Know, by J. Handly Wright	41

### GENERAL FEATURES

Work of the Special Insurance Committee of the LSBA, by William E. Skye	51
Supreme Court of Louisiana Order	49

### DEPARTMENTS

President's Page	7
House of Delegates Action	48
Board of Governors Action	49
Meet Your Board of Governors	54
Heard Around The Districts	56
Treasurer's Report	77

### COMMITTEE AND SECTION REPORTS

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## President's Page

I would like to begin my first open letter to the membership by saying how deeply I appreciate the honor you have conferred on me by electing me your president, and I hope I can serve you with the same devotion and leadership as my predecessor.

I would like to give in general what I think the role of the bar should be as it both reflects and stimulates public interest and the interests of the profession. I would also like to state a few projects and aims which I think should be considered of immediate concern to the profession and the public.

I believe that the bar should be both a spokesman for the lawyers of Louisiana and a service organization promoting public interest programs which will benefit the public and the profession.

Such a program would be the teaching of the Bill of Rights in the schools of Louisiana for the pupils and teachers alike. I believe that such a program, conducted by lawyers and educators, would have a highly beneficial influence on building citizenship of the highest order.

### Purposes Bar Should Serve

I have admittedly fixed convictions about the purposes the bar should serve. I believe that the legal profession, through the bar, offers the greatest opportunities of any profession to secure and maintain the privileges we enjoy as a government under law. I do not believe that the bar has taken advantage of the opportunities afforded to assert leadership in combatting the influences that have gradually usurped and could eventually take from us the rights and freedoms guaranteed by the Constitution. I think the bar should assume more responsibility and become more active and vigilant in combatting that usurpation.

Three fields in which I think the bar should immediately concern itself are legal aid, personal public relations, and the lawyers of the future.

The bar has a great opportunity to do public service in the field of legal aid. As you know, there is no state-wide legal aid plan although there are legal aid programs in some of our communities.

### Personal Public Relations

One of the things many of our lawyers need most is a little personal public relations. In the past, lawyers have not taken the trouble to inform the public of the role of the lawyer in society. The public should have

some understanding of just what the profession of law is and what the lawyers' duties to the public and the practice are. There is no better teacher than the individual attorney.

The last field I want to mention is closely tied to the field of personal public relations. I do not feel that young men and women of college age who are interested in law are getting as much attention from the profession as they should. Many of these youngsters have no place to turn for information. Some have no definite idea of what an attorney does. As a result, we are not getting all of the talented students the profession is entitled to get.

The Louisiana State Bar Association has made great strides in the realm of public service and in services to the profession in recent years. I hope that these services will continue to grow and flourish in the coming year.

*J. R. B. Blanche*



NEW OFFICERS of the Louisiana State Bar Association, installed at the May meeting, are, seated, Fred A. Blanche, left, president, and W. Ford Reese, secretary-treasurer; and standing, Richard B. Sadler, Jr., vice president, right. J. J. Davidson, standing left, past-president of the state bar, was installing officer.

## Report Of The Annual Meeting

The 18th annual meeting of the Louisiana State Bar Association was held in Biloxi, Miss., May 21-23, 1959. Harry McCall, president of the association, formally opened the meeting on Thursday, May 21.

Participating in the opening ceremonies were Chief Justice John B. Fournet, of the Louisiana Supreme Court, who spoke on his first 10 years as administrative officer of the Supreme Court; Clarence L. Yancey, chairman of the resolutions committee, who announced procedure for presentation of resolutions; Breed O. Mounger, president of the Mississippi State Bar Association, who made the address of welcome; Fred A. Blanche, president-elect of the Louisiana State Bar Association, who responded; and Harry McCall, who gave the annual address and report of the president.

The opening session was followed by a meeting of the House of Delegates of the bar. Guest speaker was Julius Appelbaum, member of the American Bar Association's Special Committee on Communist Tactics, Strategy and Objectives, who spoke on his committee's report.

The annual luncheon of the bar followed the meeting of the House of Delegates. Luncheon speaker was Sidney S. Alderman, Washington, D.C., who spoke on "The French Language in English and American Law."

Four section meetings were held on the afternoon of the 21st.

Speaking at the meeting of the Section on Criminal Law was Earle Wingo of Hattiesburg, whose topic was "Murder is My Business," and Jack L. Simms of Leesville, who discussed the "Progress of the Louisiana Law Institute on the Revision

of the Code of Criminal Procedure." Michael E. Culligan, New Orleans, chairman, presided.

B. B. Taylor, chairman, Baton Rouge, presided at the meeting of the Section on Taxation. Speakers were Edward B. Benjamin, Jr., New Orleans, on "Optional Taxation of Closely Held Corporations;" Reuben Clark, Jr., Washington, D.C. on "Deferred Benefit Profit Sharing Plans," and Robert L. Roland, Louisiana Collector of revenue on "Recent Developments in Louisiana Tax Law."

Cecil E. Ramey, Jr., Shreveport, spoke on "Trusts in Estate Planning" at the meeting of the Section on Trust Estates, Probate and Immovable Property Law. Participating in a panel discussion following the talk were Leonard Oppenheim of the Tulane University school of law, and Alvin B. Rubin of Baton Rouge. Carlos G. Spaht, Baton Rouge, presided.

Participating in a meeting of the Section of Local Bar Organizations were Judge George M. Foote of the Alexandria City Court, president of the Rapides Parish Bar Association; E. M. Nichols, Jr., president of the Southwest Louisiana Bar Association; R. W. Farrar, past-president of the Southwest Louisiana Bar Association; Dixon Carroll, president of the Shreveport Bar Association, and Bascom D. Talley, Jr., Bogalusa, chairman of the state bar's committee on public relations. William R. Jackson, Leesville, chairman of the section, presided.

Chief Justice John R. Dethmers of the Michigan Supreme Court was principal speaker at the Louisiana State Bar Association annual banquet on Thursday night. His topic was "Government Is Your Business."

### **Wright PR Speaker**

On Friday, May 22, J. Handly Wright, past-president of the Public Relations Society of America, spoke at a breakfast meeting of the Committee on Public Relations. Bascom D. Talley, Jr., Bogalusa, chairman of the committee, presided.

Four section meetings were held on Friday morning.

Speaking on "Recent Labor Decisions," at the meeting of the Section on Labor Relations were Samuel Lang and Fred Cassibry, both of New Orleans. James I. McCain, New Orleans, chairman, presided.

Judge Louis H. Yarrut of the Civil District Court, New Orleans, presided at the meeting of the Section on Judicial Administration. Speaker was Richard F. Knight, judicial administrator for the Louisiana Supreme Court who reviewed the work of the Judicial Council.

Speaking at the meeting of the Section of International, Comparative and Military Law were Dr. Louis Baudouin, professor of Law at McGill university, Montreal; Major Sylva M. Landress, New Orleans, and Col. John H. Tucker, Jr., Shreveport. Augusto P. Miceli, New Orleans, presided.

Clyde W. Thurmon, Shreveport; George C. Schoenberger, Jr., New Orleans and Morris Wright, New Orleans, spoke at the meeting of the Section on Mineral Law. John T. Guyton, Shreveport, presided.

Judge Albert Tate, Jr., First Circuit Court of Appeal, Ville Platte, was principal speaker at a luncheon meeting of the Junior Bar Section. Thomas C. Wicker, Jr., New Orleans, presided. Prior to the luncheon, Chief Justice and Mrs. John B. Fournet held a reception honoring members of the Junior Bar.

A joint section, and committee meeting followed the Junior Bar luncheon.

Charles C. Scott, Kansas City, Mo., spoke on "Effective Preparation and Use of Photographic Evidence" at the meeting of the Section on Insurance and the Committee on Continuing Professional Education. His talk was followed by an address by Ray Forrester, dean of the Tulane university school of law. Cicero C. Sessions, New Orleans, presided.

On Saturday, May 23, the past presidents of the association held a breakfast meeting. J. J. Davidson, Lafayette, presided.

### **Awards Presented**

Highlights of the last session were presentation of the awards of merit to local bar associations, presentation of the third annual press awards, and induction of new association officers and board members.

A final meeting of the House of Delegates followed the Saturday morning association meeting.

Social events at the annual meeting in addition to the luncheons and the banquet, included, the president's reception on May 20, a dinner-dance, parties given by the Loyola, Tulane and Louisiana State University law school alumni groups, a seafood luncheon and style show, a ladies buffet luncheon and a garden tour.

# First 10 Years As Administrative Officer Of The Louisiana Supreme Court

by the Honorable John B. Fournet

From the time I attended the first Conference of Chief Justices in the summer of 1949 and learned at first hand of the problems arising under the judicial structure in other states, I have been able to proudly assert to one and all — time and again — that Louisiana's court system is tops in the field! Events since that time have served to lend emphasis to my assertions. Just recently the release of a report by a special conference studying court congestion under the direction of the Attorney General of the United States, which gives Louisiana first place because of the speed with which docketed cases may be heard, has made possible the favorable comparison in the press that informs our people of our enviable position in the national judicial picture.

Only last month, when the nation's press was focusing attention upon the deplorable overcrowded conditions in the federal judicial system, Mr. Harry McCall, president of the Louisiana State Bar Association, to avert possible confusion in the public mind by reason of such comments, was able to address a letter to the editors of the local New Orleans papers pointing out that the "inordinate delay in the workings of justice" in other courts across the nation has no application in Louisiana, where "delays because of congested dockets are almost non-existent in our state district courts." In addition to publishing the letter, these papers, under a policy pursued in recent years of aiding the court in the solution of its problems by giving our work needed publicity, made favorable editorial comment.

On May 1, 1959, which was celebrated throughout our land as Law Day, WDSU-TV, editorializing on the importance of thus "commemorating the role of law in safeguarding the rights of the individual," stressed that our nation's court sys-

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tems are threatened with "a creeping paralysis from overcrowded dockets" that is generating an atmosphere of injustice in the tribunals charged with dispensing justice. Yet the commentator, Mr. Bill Monroe, could "happily" point out that our "Louisiana state courts are moving cases rapidly — thanks largely to the state supreme court's Judicial Council, composed of legislators, attorneys and judges," that advises with the court on such problems.

## Enviable Position

My fellow lawyers, the enviable judicial position Louisiana today presents to the nation is no happenstance. Although Louisiana does not have to reckon with the inordinate delays suffered in other states where jury findings in civil suits are final, this is not the reason why the dockets of our trial courts are current. Neither is our favorable court structure responsible, for it has been essentially the same since the judicial department was first created under the Constitu-

tution of 1812, although varying provisions since that time have increased the membership of the Supreme Court from three to five to seven, added the appellate courts, and, on occasion, changed the entire membership of the bench.

Throughout the long history of our courts, no real effort (other than the creation of additional judgeships from time to time) was ever made to clear the dockets of the state that grew longer and heavier with the years as the population and the complexity of litigation resulting from our highly industrialized economy increased. The present condition of our dockets is the result of careful study and planning, willing cooperation and coordination, and just plain hard work. In the summary I give of the manner in which this has been accomplished, I hope you will bear with my pardonable pride as I refer to the role that has been mine.

The judiciary was not originally my ambition in life. The advocacy of the cause of others and the political arena were more to my liking. But a man is not the architect of his own destiny, and, with the donning of the judicial robe on January 2, 1935, nearly twenty-five years ago, I turned from advocacy and politics and have made the law and the improvement of the administration of justice my life's work. It was at this point, also, that I learned exactly how bad conditions were in the judicial department of our state.

Being mindful of the many days and even weeks I "cooled my heels" in New Orleans as I waited to argue a case before the Supreme Court

that was but one on a long list the court had docketed although it obviously had no hope of hearing all of them at a scheduled sitting, the very first improvement I insisted upon when I became a member of that bench was the docketing of no more appeals for argument on any one day than the court could expect to hear, and that the time allotted to each side be adequate but kept within reasonable bounds so that these docketed cases could be heard on that day. The young lawyers present today cannot appreciate the full significance of such an innovation, but there are many here who can, with me, cast their minds back to the days when the court's docket for one sitting looked something like this!

In those days, if your case was ever reached, and particularly if you were unfortunate enough to have it come up after the relaxations of the noon recess, you were seldom bothered with too many questions — if any — from members of the court. In fact, the criticism most frequently voiced then was that, because of its somnolent pose, it was doubtful that the court actually heard your argument. This is a far cry from our present day. The court is now too wide awake, for the complaint most frequently heard from the bar is that it is difficult for an attorney arguing his case to get a word in edgewise because of the barrage of questions leveled at him in relays by the various members of the bench.

Another matter on which I took a positive stand was that once a case had been fixed for argument, it could only be continued for a

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valid and compelling reason. This rule, stringently enforced, has proved so effective it is rare when we receive motions seeking continuances in more than a case or two a year.

### Research Assistance

It did not take me long to realize that if the cases the court was considering under this system were to improve and stabilize our jurisprudence, it was absolutely necessary that each of the individual judges be given some kind of legal research assistance. It was through my efforts that the legislature and the governor in 1938 created the position of law clerk and granted the first appropriation that made possible the employment of these members of our staff that have proved to be invaluable, and particularly in the improvement of our work.

Not being the administrative officer of the court, I rocked along under the old system as thus improved until I became Chief Justice in 1949. At that time, in addition to carrying the same case load as my associates, writing dissenting and concurring opinions in the interest of the stability of the jurisprudence, and performing my other administrative duties, I began a study of the various methods whereby not only the Supreme Court but all other courts of the state could be improved. Actually, this had not been far from my mind during the years I served as an associate justice, and the many considerations I then gave the matter convinced me the best solution lay in a constitutional convention that would revamp the state's entire court structure. However, such

a possibility seemed to recede further with each passing year, and once I became the court's administrative officer, I turned to a consideration of other means whereby this might be accomplished.

A condition common to all of our trial courts, and to which no solution had been found, was the fact that lack of uniformity in handling the cases in the different districts led to the unbalanced condition of the dockets in these districts. Another matter was the backlog of over 600 cases on our own docket. My first concern was with these two dockets.

### Co-ordinated Efforts

It became obvious to me the conditions in the district courts could only be improved through the co-ordinated efforts of a group composed of representatives of the bench, the bar, and the legislature. The idea of such a council was not a new one, though the composition I had in mind was. As far back as 1916 a system of district judicial councils under a supreme council had been suggested to the bar by its committee on reform of legislative and judicial procedure. Similar proposals were discussed and examined by the bar during succeeding years, without concrete results. Despite a favorable report by such a committee in 1929, no action was taken. In 1934, Dr. Rufus C. Harris, as the chairman of such a committee, reported that his review of these many efforts and his survey of the bar revealed there was "no interest in the proposal by our membership which would make it seem propitious at this time to urge the establishment of such a proposal upon this body."

There were, nevertheless, further efforts along this line in 1946, 1947, and 1948.

*I was particularly familiar with these various efforts for the reason that in 1948 such a committee worked under me as the chairman of the bar's Section on Judicial Administration. Its recommendation, that a Judicial Council be created under the rule-making power of the court, failed because it lacked the support of the then Chief Justice. When I became the administrative officer of the court in the fall of 1949, I hastened to set in motion the machinery necessary to carry out this recommendation, and, on May 3, 1950, by order of the Supreme Court, the Judicial Council became at long last a reality.*

I would like here to acknowledge the great debt we owe Judge J. Cleveland Fruge for the invaluable help he rendered in helping organize the council, and also for his tireless and patient service — beyond the call of duty — as the council's secretary since its inception. A debt is also due Richard B. Montgomery, Jr., a former president of our association, who served with Judge Fruge on the 1948 committee under the judicial section I chairmanned and was one of the first members appointed as the bar's representative on the council after its creation. Both of these gentlemen can attest to the difficulties we encountered in holding the council organization together as first Governor Long in 1950 and then Governor Kennon in 1952 refused the appropriation necessary for its proper functioning. This refusal on the part of Governor Ken-

non, who, as a member of the first council had been most sympathetic to our cause, was particularly discouraging, but apparently motivated by the action of the Louisiana District Attorneys' Association in denouncing such an appropriation by resolution at the insistence of one who felt this would make of me some kind of a judicial dictator or Czar.

Matters thus remained almost at a standstill until, in the spring of 1954, Mr. Morgan Whitney, foreman of the Orleans Parish Grand Jury impaneled on September 8, 1953, sought a conference at which he and some of his fellow jurors placed before me a secret report disclosing, among other things, that persons charged with crimes in Orleans Parish were, because of a backlog of some 2500 cases, being held in jail for two, three, and even four years awaiting trial. I, regretfully, knew that comparable conditions existed in the civil division, where there were cases pending on exceptions or under advisement for periods varying from months upward of years. Appalled that persons were buried behind bars without bail as the legal procedure in these criminal court divisions dragged on year after year, these gentlemen sought my advice as to the best means of blasting such conditions in a public forum.

Mindful of the great harm done the cause of justice in Louisiana by a run-away jury during the administration of Governor Jones, I admonished these sincere and public spirited citizens to take no drastic steps that would bring further disrespect to the institutions so vital to the preservation of constitution-

al liberty under law, but, rather, to use their information and their good offices to persuade Governor Kennon to grant the appropriation that would permit me to turn our Judicial Council into an instrument that would clear up not only the reprehensible conditions in Orleans Parish, but like conditions throughout the state. So impressed were they with the possibilities of the plan I proposed, they took with them for further study documents from my Judicial Council file that convinced them this was the better means of solving the serious problem that gave rise to their deep concern.

I have never known just what avenues these men used in approaching Governor Kennon. I only know that short months later, and without the unfortunate publicity contemplated, the appropriation was forthcoming that made it possible for me, with the help of the Council and that of Dr. George Pugh, who was given a leave of absence from his post on the staff of the LSU School of Law to act as our administrator during the first two-year period, to begin in July of 1954 to lay the foundations that have today placed our trial dockets throughout the state on a current basis.

I had, during this time, also undertaken certain steps to improve conditions in our own court, such as the scheduling of four cases a day for argument. Another example was the revision of our rules, accomplished with the invaluable assistance of Justice McCaleb, with the inclusion therein of a provision that permits us each June to dismiss summarily those appeals in which no action has been taken for

five years. These were, however, only partial remedies, and I had better reason than anyone to know that we could not continue this added case load without not only endangering the health of the members of the court, but also lowering the quality of our work. I again considered the possibility of revamping the state's entire judicial structure through a constitutional convention, and I at first worked toward this end.

### **Expanded Appellate Courts**

When it became apparent that such a convention in the then existing political atmosphere was not likely to take place at any time in the near future, I resorted to a scheme whereby the condition of our docket could be alleviated through a constitutional amendment that would transfer the larger part of our appellate jurisdiction to expanded and enlarged appellate courts. To this end the better part of the second two-year period in the active life of our Judicial Council was devoted.

The success of the plan was possible only through the invaluable services rendered by the committee appointed by me composed of John H. Tucker, Jr., as chairman; Justices Ponder and McCaleb of our court; Judges Janvier, Ellis, and Hardy of the appellate courts; Professor Henry G. McMahon of LSU and Judge John T. Hood, Jr., as representatives from the Judicial Council; and the presidents of the Louisiana State Bar Association who served during this period. They were aided by Donald Tate, who proved to be a worthy successor to Dr. Pugh as our second judicial administrator, and

who coordinated the work of this committee in perfecting the plan and in educating the bench, the bar, the press, and the public to the necessity for this shifting of jurisdiction.

I wish it were possible to acknowledge the part played by each and every one who had a part in the realization of this goal, including Mr. Monte Lemann, who headed a special advisory committee of the bar association; the committees appointed by each district and local bar association; and those who took an independent interest in the matter merely as individual judges and lawyers. Since time obviously will not permit this, I hope you will forgive me if I pause to mention the unsurpassed help given me during this time by my old classmate and long-time friend John Tucker. He traveled the length and the breadth of the state time and again, holding meetings when and wherever desired, answering any and all questions, explaining patiently to one and all just what such a move meant and its effect on the rights of the litigants and the work of the judges.

So well was the ground work laid that, although I had to do some pretty straight talking in the legislative committees before the matter was reported out favorably without erosive amendments, the proposal sailed through the Legislature with but one dissenting vote and was overwhelmingly adopted by the people last November. For the manner in which the proposal was thus received, a special vote of thanks is due the Louisiana State Bar Association under the presidency of Harry McCall for under-

taking much of the needed propaganda to place this before the people in the proper light. Since that time the judges who will fill the newly created seats on our appellate bench have all been elected, and the final transition will occur when the new provisions go into effect on July 1, 1960.

By this time you are all fairly well familiar with just what this change portends, and there is no need to burden you with the details. However, as with all innovations, there yet remain kinks to be ironed out. A committee is now working on these problems, and the proper amendments when finally drafted are to be submitted to the Legislature at its regular 1960 session. There is also the problem of securing the necessary appropriation to properly staff the new appellate courts, and to provide them with adequate libraries for the important work they will do. This is even now being studied by the membership of these courts. To facilitate the successful realization of their recommendations, as well as the solution of all other problems that may henceforth arise in connection with the efficient operation of our judiciary, we will have the guidance of the Judicial Council and the assistance of our present administrator, Richard F. Knight, who, though young in the position, is fast proving to be an able successor to his worthy predecessors. But this is not enough. We will also need your active support and understanding, and to this end we must turn, again and again, to the membership of the bar for the cooperation so necessary to secure a favorable consideration of these remedial measures at the hands of

the government, as well as at the hands of the governed.

*Because of my deep conviction that all members of the legal profession, whether on the bench or in active practice, are obligated to take the necessary steps to guarantee to all of our citizens an expeditious as well as a fair and impartial determination of their cases, I have devoted the larger part of my remarks this morning to that portion of my work as the administrative officer of the Supreme Court that has been primarily concerned with the changes that will speed litigations through the courts.*

As you know, many other changes have occurred during this ten-year period. For example, the state law library has been placed under my jurisdiction, and the Louisiana Law Library Commission has been created to advise with me in its proper administration. Together we have made many improvements in the library, its personnel, and the service being rendered our judges and lawyers throughout the state.

### New Quarters

We have, during this same period, been concerned with the design and erection of the beautiful new quarters into which we moved when we occupied our own building last summer. I hardly need tell you that our new home is not only one of which we can all be justly proud, but also that it has added immeasurably to the comfort of the members of the

court and our personnel. Much credit for assistance in working out the myriad of details entailed in the construction and furnishing of this building goes to a special committee of the bar headed by my good friend H. Payne Breazeale, and a vote of thanks is due former Governor Kennon, during whose administration the necessary appropriation was made available.

At the present moment, the court, under its rule-making power and with the assistance of special committees appointed by us, is drafting a Code of Ethics to guide the judiciary, and has just revised its requirements for admission to the bar so that, in this manner, the quality of the service these officers of the court perform will also be raised. The assistance in this latter undertaking by the deans of our law schools and their faculties is but another instance of the willingness with which these members of our profession have, again and again whenever called upon, given unstintedly of their time and their abilities to help us solve the problems we increasingly face.

There are other matters I could discuss with you, but my remarks, because of their nature, are already longer than usual. I cannot close, however, without stating quite frankly that our efforts to bring about these improvements will not result in the standard of excellence envisioned for our judicial department unless, in addition to the best efforts of our judges, they are matched by those of the individual members of the bar, for, as has

been said many times, the bench is but reflective of the attainments of its bar. As to the way in which you can assist by a more thorough preparation of your cases for trial in the lower courts, and by a marked improvement in the quality of the briefs you submit to the appellate courts, these are matters about which I would like to talk to you on another occasion.

For the kind attention you have given me this morning, I thank you one and all.

## CONVENTION CHAIRMEN

Richard B. Sadler, now vice-president of the LSBA, was general chairman for the annual meeting. Other chairmen were Joseph McCloskey, hotel reservations and transportation; Howard W. Lentfert, entertainment; James M. Colomb, Jr., registration, and Mrs. James J. Davidson, ladies' entertainment.



**JOHN W. HAYGOOD**, Shreveport, right, new chairman of the Junior Bar Section receives congratulations from outgoing chairman Thomas C. Wicker, Jr., New Orleans, left. Other new Junior Bar officers are, Curtis R. Boisfontaine, New Orleans, secretary treasurer, center left, and William D. Brown, III, Monroe, vice chairman.

It is my duty as outgoing president to report to you on my stewardship since my inauguration at the last annual meeting.

The aims and accomplishments of the officers and the Board of Governors during the past year will be discussed under various appropriate headings.

The first of these is their attempt to improve public attitude toward and respect for the legal profession and the judiciary.

At the very beginning of my administration we employed Horace Renegar as Public Relations Counsel and with his assistance and through numerous meetings, at which he was present with the chairman and members of our Public Relations Committee, the chairman of our Ethics and Grievances Committee, the chairman of our Unauthorized Practice of Law Committee, the chairman of our American Citizenship Committee and the Junior Bar Section, we sought to formulate a coordinated program of public relations in the belief that the activities of all sections and committees of the association, and in fact each member of the association, affects the public attitude toward our profession.

From this planning has developed a long-range program, the beginning of which includes continued publication of the column "The Law and You" in daily and weekly newspapers throughout the state, publication of a special series of articles by our Public Relations Staff Writer, Mrs. Mary LeMieux, after consultation with lawyers particularly familiar with the fields

with which she was dealing on the subjects of "The Law and Youth", and "Widows and the Law". You have also received the booklet entitled "Public Relations and Lawyers" outlining the long-range public relations plan of the association and suggested means of handling public relations on the local level so as to implement the program of public relations recommended by the committee and sponsored by the Board of Governors. I strongly recommend your careful consideration of this pamphlet.

## Canons of Judicial Ethics

When the public and the press began inquiring into certain charges and intimations as to the judiciary last fall, your Board of Governors was called together to discuss this situation and recommended that the Supreme Court appoint a special committee to prepare and recommend canons of judicial ethics as a guide to all judges in this state in their relationships with the public, with litigants and with the lawyers who practice before them. Following this recommendation, the Supreme Court did appoint such a committee which has been diligently working to formulate and make recommendations for appropriate canons of judicial ethics.

My next general heading is that of activities in the public interest.

Although technically not subject to the association's direction being a committee of the Supreme Court,

the Ethics committee plays a both public tition of the ~~public~~ ~~conduct~~ ~~by~~ ~~members~~ ~~of~~ ~~this~~ ~~association~~. Since the routine investigations conducted by the committee are confidential, the volume of work undertaken and handled is never generally realized. The committee's hard work in disposing of complaints, both just and unjust, has been invaluable to the association and its members.

To assist the committee in its work, the Supreme Court, on recommendation of the officers of your association, appointed Wieck Thimmesch, our Executive Counsel, as secretary of the Ethics and Grievances Committee in which capacity he has performed a real service by undertaking investigations and working on the various matters assigned to him that come before the committee. We were all distressed to have Jim Schillin resign as chairman of this committee after his long and valuable service. However, we are glad to feel that Pat Little, who was previously a member of Jim's committee and has now succeeded him as chairman, has already acquired a familiarity with and an interest in the work so that we may confidently look forward to the continued successful operations of that committee under his chairmanship.

## American Citizenship

The American Citizenship Committee under its chairman, Dick Cadwallader, has again been active during this past year. That committee sponsored an essay contest for high school students in the State of Louisiana, which was

hem with  
its func-  
Dick Cad-  
s awarded  
a citation by the "Freedoms Foun-  
dation" for a talk he delivered to  
those who had just been sworn in  
as American citizens at naturalization  
ceremonies in the United  
States District Court at Baton  
Rouge.

Possibly the most outstanding incidents emphasizing the rich historical background of our legal system were the ceremonies held in the Supreme Court Room on Sunday, October 12th, 1958, in connection with the dedication of the new Supreme Court building into which the Court had just moved.

There was a dedicatory address by our immediate past president, J. J. Davidson, and an address from the Judiciary by Judge George W. Hardy, Jr., of the Court of Appeal, with a concluding address by Chief Justice Fournet. Following these ceremonies not only our own quarters, but all of the offices of the new building were open for inspection.

That morning there was a Red Mass at the St. Louis Cathedral which was well attended and was most impressive.

The following day, Monday October 13th, the Sesquicentennial of our Civil Code was celebrated in the Supreme Court room. The morning program included an unusually interesting address by Judge John T. Hood, Jr., of the Fourteenth Judicial District Court, on the "Adoption and Development of the Louisiana Civil Code"; an address by Mr. Louis Baudouin, professor of law at McGill university, Montreal on "The Influ-

ence of the Code Napoleon" and an address by Professor Rodolfo Batiza formerly of Mexico, now teaching at the Tulane University Law School, on the "Influence of Spanish Civil Law." Each of these three addresses was scholarly and instructive.

The afternoon speakers were Dr. J. Denson Smith, director, Louisiana Law Institute, whose subject was "The Law Revision Program in Retrospect"; Professor Clarence J. Morrow of the Tulane Law School, whose subject was "Revision of the Civil Code of Louisiana, a Prospective View"; and then a panel consisting of Professor Dale E. Bennett of the LSU Law School, Professor Leon D. Hubert, Jr., of the Tulane Law School, and Mr. Adrian Duplantier of the Loyola Law School. These panelists dealt with "The Revision of the Code of Criminal Procedure".

There was a colorful ending to the three days of celebration in the form of a banquet held at the Roosevelt Hotel Monday evening at which the guest of honor and chief speaker was Mr. Herve Alphand, the Ambassador from France to the United States.

#### Memorial Exercises

While as already indicated the formal dedication of the new Supreme Court Building was held on Sunday, October 12th, the Court Room was used on Monday, October 6th, for the usual Memorial Exercises. The general eulogy was delivered by Mr. Walter M. Barnett and the closing remarks were, of course, given by the Chief Justice.

Two things out of the ordinary on this occasion were first, a mov-

ing eulogy on the Honorable Harold A. Moise, Associate Justice, who had died September 26th, 1958, delivered by the Honorable Walter B. Hamlin, Judge of the Civil District Court for the Parish of Orleans, later the successor to Justice Moise on the Supreme Court; and, second, the presentation of a portrait of former Associate Justice Sam A. LeBlanc. The presentation was made by the Honorable Leon J. LeSueur of Napoleonville and its acceptance on behalf of the Court was by Associate Justice James D. Simon, both of whom spoke feelingly of the deceased Justice.

I submit that these activities of October 12th and 13th just outlined, in the planning of which the officers and staff of this organization participated, are properly to be considered in the nature of a public relations project and, of course, in giving publicity thereto we had the assistance of our Public Relations Counsel.

Another activity in the public interest having public relations aspects was the induction of Associate Justice Walter B. Hamlin, last January. This affair, sponsored by the association, was arranged by the secretary, and our vice-president, Fred Blanche, delivered the address commemorating the occasion on behalf of the association.

#### Other Activities

Our association did its share in bringing about the adoption by the Legislature, last spring and last fall, of a constitutional amendment dealing with the matter of appellate jurisdiction, the chief change being to relieve the Supreme Court

of part of its load and to transfer it to the Courts of Appeal.

I should not leave this general field without particularly stressing the very efficient activities of the Committee on the Unauthorized Practice of Law headed by Jim Drury as chairman.

Another activity of importance in this field has been the work of a committee, headed by Arthur Watson, appointed to deal with the bar admission standards and rules. Very recently the recommendations of this committee were approved and adopted by the Supreme Court.

Attention should also be called to the fact that at the recent meeting called by the American Bar Association at Dallas to inaugurate a program of "World Peace Through Law," Gus Miceli, as chairman of the Committee on Cooperation with the Inter-American Bar Association, attended as also did our vice-president elect, Dick Sadler, and as a result our association's participation in this function was given public recognition in the press.

### III

This brings us to what I regard as another important activity heading, to-wit: activities within the association, including increased participation of individual members and their representatives in planning and carrying out its affairs and activities.

As pointed out by me more than once on the "President's Page" in the Bar Journal, there were of necessity certain areas of doubt as between the jurisdiction of the House of Delegates and that of the Board of Governors, for the resolution of which two committees were

appointed, one by the House of Delegates and the other a general committee of nine drawn from the House, the Board of Governors and the members generally, which committee was headed by John Madison. These two committees studied the problems presented and thereafter consulted with each other. The House committee, headed by A. J. Waechter, made its recommendations to the House at the Monroe meeting in January, and the House adopted those recommendations. The Board of Governors took no contrary action, so that the committee report as approved by the House was recently submitted to the membership.

A committee in charge of planning the schedule for the annual meeting, headed by Leon Sarpy, had a number of meetings and gave careful study to the problems involved, which were increased by the fact, which I regret, that the Louisiana Law Institute concluded not to meet jointly with us this year. In reaching this conclusion, the Institute felt that it should not compete with us in the allocation of time since our growth has made our demands much heavier. The recommendations of this committee were adopted by the House of Delegates and also approved by the Board of Governors and those recommendations are being followed here now.

### Junior Bar Activity

I would be remiss if I failed to call attention to the activities of the Junior Bar Section, headed by Tom Wicker. That section has been active throughout the year, and we are greatly indebted to it.

To keep the membership fully informed, we have striven to continue

improvement of the Bar Journal and the association's Newsletter, which has now become an established publication of the association, and by these means we have reported to you the activities of the Board of Governors and the House of Delegates. And through the "President's Page", I have sought to keep you advised of the work of the various committees of the organization and the results of our efforts in these various undertakings.

We have cooperated with local bar groups in the establishment of Awards of Merit Programs to encourage participation of local bar groups in bar activities.

To provide the membership with the counsel of the past presidents of this association, we have inaugurated a breakfast meeting of past presidents, and we look forward to the observations and recommendations of this group concerning the affairs of the association.

#### IV

My last major field deals with improving and increasing the services available to the members through this association.

In addition to providing through the Bar Journal and Newsletter full information as to the planning and activities of the House of Delegates and the Board of Governors and attempting to secure legal information and opinions of greatest interest to our members, we have continuously sought to improve and increase the services to our membership through the association.

#### Group Major Medical Plan

For example, your special Committee on Insurance, headed by Wm. E. Skye, after a tremendous

amount of work and study, came up with a Group Major Medical Plan which has very recently been transmitted to the membership. It is believed that this plan will be of great value to those who may require service of this sort, and furthermore there is reason to hope that if the plan is well received the future arrangements will quite likely be even more advantageous.

Also in this connection there should be mentioned the special Committee on Retirements Benefits which has been following the Keogh-Simpson Bill and urging its adoption for the benefit of all members of the association.

I have already reported to you the fact that this convention was arranged according to a schedule worked out by Leon Sarpy's committee. What I didn't state earlier is the fact that this schedule is aimed at providing all with the maximum opportunity to attend as many of the section and committee programs as desired, as we have made every effort to eliminate conflicts between these programs and to give these sections and committees adequate time each to put on a program of interest and benefit to the members.

In connection with the actual arrangements for the present convention it is only fair that I should commend Dick Sadler, your chairman of general arrangements, as well as the chairman of each of the convention committees and particularly our friends, Joe McCloskey, who handled hotel reservations, and Howard Lenfant, who is responsible for the planning and carrying out of the various entertainment activities at this meeting.

### **Economic Survey Report**

A program thoroughly meriting praise is that of the Economic Survey Committee, of which Dick Montgomery is chairman. You will find the report of that committee in the last issue of the Bar Journal.

A service recently inaugurated is one to provide copying service in New Orleans of opinions, documents, etc., which are available in the Supreme Court Library.

This administration has striven to encourage the chairmen of the various sections of the association to undertake programs for the benefit of the members interested in their special areas of the law. For example, in the field of insurance, the chairman of that section, Cicero Sessions, has sought to enlarge the activities very greatly. Similarly, the section on international, comparative and military law is undertaking to interest a large group of members in its work and to put out programs that would benefit these members and the members at large.

Very recently steps were inaugurated with a group of the law schools to initiate a placement service through the bar association office by which lawyers seeking connections and law firms seeking to employ lawyers will be assisted in getting together.

By way of recognition of the work that has been done by our association, attention is called to the Award of Honorable Mention which we received from the American Bar Association at its Los Angeles convention last summer. Much of the work leading up to this award was done by my predecessor, J. J. Davidson.

I understand that our midwinter meeting at Monroe was a great suc-

cess both from the point of view of accomplishment and from that of enjoyment. I was, unfortunately, unable to attend this meeting because of a prolonged illness, and I had to impose on our Vice-President (now President-elect) Fred Blanche, who according to all accounts, took over magnificiently.

While as indicated I have the past few months been handicapped in my activities, I was, prior thereto, able to attend and did attend, various gatherings, to-wit:

Convention of the Fifth Circuit Judges in Atlanta;

Convention of Mississippi Bar Association in Biloxi;

Convention of Tennessee Bar Association in Memphis;

Conference called by the Attorney General in Washington to consider the delays encountered in the Courts;

Convention of the Texas Bar Association at San Antonio, and

Convention of the American Bar Association in Los Angeles.

In conclusion, let me express my appreciation of the opportunity given me to serve as your president, a thing that I shall look back on with pride for the rest of my life. In the first place, I am indebted to all of you for your cheerful cooperation; but more particularly am I indebted to the effective help of the members of the Board of Governors and of the House of Delegates, and of the various committees. Most of all, however, must I thank our officers, Fred Blanche and Mike Molony, our executive counsel, Wieck Thimmesch, and the members of our staff, especially that old war horse, Steve Mascaro.

# Government is Your Business

By The Honorable John R. Dethmers

Father James Keller, founder of The Christophers, authored a book titled "Government Is Your Business". While I shall borrow nothing of its content, I adopt its title. Government IS your business, — it is the business of us all.

When we consider how many work days it takes each year to earn enough to pay our tax bills, a compulsory service to government, or how much time must be devoted to filling out forms and making reports to government, or the extent to which government regulates our business and affairs from breakfast 'til bedtime, we have reason to know that government is our business. How often the businessman says, "I'm too busy with my business to pay any attention to government."

*With ever-increasing taxes and controls, resulting in part from the lack of such attention, the time may come when he has no business left with which to be too busy to pay attention to government.*

When we consider how the historic rights of the American people are being circumscribed more and more by government, and decisions by politicians are being substituted for those formerly made by the people themselves, we can only conclude that while we are at liberty to ignore politics, in doing so we hasten the day when we may lose that and other liberties as well. Yes, government is our business. We pay for it, work for it and on its course our liberties depend. It be-

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hooves us, then, to give constant attention to government, with the serious concern it deserves as our business.

## Constitution A Safeguard

In all history no other people has enjoyed the equal of American liberty and freedom of opportunity. The founding fathers planned it so. They determined that here the state should exist for man, not man for the State. To achieve that end they knew it would not be enough to establish majority rule, a government by the people, for at times no other tyranny can match that of an unfettered, shifting majority, which Jefferson termed an "elective despotism". To safeguard against this eventuality a written Constitution was adopted, limiting the powers of the majority for the protection of the individual and spelling out guarantees of personal rights. A further protection of human freedom against the dangers inherent in a high concentration of governmental powers was contrived by separation of those powers in three branches of government and a division of powers between the national and state governments.

The rights of the people were believed, by our forebears, to be safest under a retention of the highest possible degree of local self-government. Having provided for this by express constitutional

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*Address delivered by John R. Dethmers, Chief Justice of the Supreme Court of Michigan, before the annual banquet of the Louisiana Bar Association at Biloxi, May 21, 1959.*

terms, they undertook to forestall an enhancement, through judicial construction, of the national powers at the expense of state and local governments or the people, by adopting the Tenth Amendment, reserving to the states and the people all powers not delegated to the United States by the Constitution nor prohibited by it to the states.

*Sir William Gladstone said of the American Constitution that it is the "most wonderful work ever struck off at a given time by the brain and purpose of man."*

Throughout the years a great reverence for it has developed in the American people. They have come to regard it as the guardian of their liberties. What a thrilling experience it is to view the original document, under glass, at the National Archives building in Washington! The glow of that experience soon gives way, however, to the sobering thought that an inanimate parchment, however noble the sentiments inscribed thereon, cannot be self-executing. For that, some human agency is required.

Lawyers and judges need not be told, but all too often laymen must, that it is the courts which breathe the breath of life into its provisions and make its guarantees meaningful. How often, at the instance of the humblest citizen, have the courts upheld the constitutional rights and privileges of persons by denying validity and enforcement to legislative enactments violative thereof or by prohibiting the invasion or curtailment of them by administrative officials. The courts are the final bastion of our liberties. As in the past, so in tomorrow's America their role will be vital.

### **Anglo-American Tradition**

In the exercise of that all-important role, the courts proceed on no express constitutional authority. That they should do as they do is, however, implicit in Anglo-American jurisprudential tradition. For how can courts decide cases before them, involving some claimed right under a statute or some grievance flowing from official action, unless they determine first the issue whether such statute or action squares with constitutional rights, guarantees or limitations?

When, some decades ago, Brazil desired to establish a new form of government, its people adopted a constitution and, under it, established a federal union of states, both almost duplicating our own. Despite the similarity, while we have continued to enjoy government by the people, Brazil's history has been one of recurrent dictatorships. What was lacking in Brazil, but present here, to make the constitutionally guaranteed rights of the people effective? The answer appears to be the tradition here that courts may decide cases against the government and for persons, to enforce their rights.

A tradition such as this can survive only so long as it is sustained by public opinion. And it is so with the court's decisions, upholding the constitutional rights of persons against infringement by government. The courts are possessed of no armed constabulary to enforce their judgements. Their decisions are given vitality and effectiveness only by the force of public opinion which even those in government dare not, for long, to defy. There can be no doubt that in past decades the majority of the people

has favored court decisions protecting the rights of individuals and has wanted the courts to perform in that fashion. Once the public becomes disinterested or withdraws its support, court decisions will lose their force and we will have witnessed the beginning of the end of ordered liberty and our free institutions.

*One must experience some concern for our liberties, then, in noting an apparent diminution of public confidence in the judicial process stemming from nation-wide attacks currently being levelled at our courts and particularly the Supreme Court of the United States.*

These attacks emanate from a number of sources; from the halls of Congress, where it is felt that court decisions have impinged on congressional powers; from states, which see in the decisions a sapping of their powers and a gathering of them into the national government; from sectional groups, which view certain decisions as destructive of their social structures; and from persons everywhere who are fearful that decisions are enlarging the national power to constrict the rights of law-abiding people and, yet, are weakening our defenses against the enemies of our free institutions. Whether justified or not, these feelings, beliefs, views and fears have produced a combined outburst of criticism which cannot be ignored.

#### **Conference of Chief Justices**

This brings us to consideration of that portion of the subject matter which, I apprehend, prompted the invitation to me to speak on this occasion. As is well known, the Conference of Chief Justices, as-

sembled in Pasadena last August, adopted a report prepared by its Committee on Federal-State Relationships as Affected by Judicial Decisions. The Conference's expressed alarm at the noticeable trend toward increased national powers accompanied by a diminishing of the powers of states and local governments, relates not to mere sectional or selfish interests, but springs from the same concern as that of our founding fathers that liberty's cause may be lost in too high a concentration of powers in the national government, and from the conviction that safety for the rights of man inheres in a diffusion of those powers and maintenance of the highest possible degree of local self-government compatible with national security and well being. So long as we would adhere to the determination of the fathers that the state, the government, exists for man and not man for the state, our lodestar in the consideration of every proposed extension or withholding of governmental power must always be, "How will the cause of freedom best be served, how the rights of man advanced."

That there has been a trend toward centralization in Washington can scarcely be gainsaid. Challenged at mileposts along the way, it has advanced under the green light of judicial decisions. Time will not permit mention of them all nor a thorough analysis of any. The first relates to the rule long adhered to by the United States Supreme Court and redeclared as recently as 1936, that neither the federal nor state government may tax the income of officials or employes of the other, on the principle that a tax on income is a tax

on its source and that the one government may not levy a tax which will impose a burden on the governmental activities of the other. This was overruled by a 1938 decision. That a burden was imposed upon the states by this judicial change in the law is evidenced by the subsequent necessity for increasing the salaries of state employees in an amount commensurate with the resultant tax exaction. Of more recent vintage is the Supreme Court holding that Congress has preempted the field, leaving no room for the state anti-subversive laws found in the statute books of 42 states, and a companion decision emasculating a state statute empowering its Attorney General to investigate subversion and examine witnesses in that connection.

Two others upset state action denying admission to the Bar to two applicants who refused to answer questions concerning Communist affiliation. Lawyers are officers of the state courts, admitted by them and under their control. The manner of this recent invasion of that relationship by the federal court has proved startling to members of the Bench and Bar as well as the public. Equally disturbing to those concerned about local government is the action of the Supreme Court upsetting a local school board's dismissal of an employee for invoking the Fifth Amendment and refusing to answer questions put to him in an authorized inquiry concerning Communist activities.

A number of fairly recent cases construing the interstate commerce clause, disclose a judicial shift from the original position that the regu-

latory power of Congress extends only to goods moving and persons actually engaged in interstate commerce. The later holdings are that that control extends to anything or anyone engaged in that which affects interstate commerce. Accompanied by new decisions applying the preemption doctrine also to the field of labor relations, the result is that we now find national action controlling and state action excluded, where formerly the court had held, either directly or in effect, to the contrary, namely in such areas as production or processing of goods before entering commerce and, as well, after having come to rest following movement in commerce.

The court also upset a long line of its decisions by holding in 1944 that the writing of insurance is commerce subject to federal control under the commerce clause. Thereafter Congress passed an act restoring a measure of state control over the industry. Then, there is the case holding, in effect, that a farmer's raising of wheat for consumption on his own farm is commerce, subject to federal regulation. Federal law even has been held to extend to the relations between a local automobile dealer and his repair shop employees, excluding the power of state courts, acting under state law, to enjoin unlawful picketing designed to compel the employer to force his employees into a union. A state statute aimed at preventing strikes and lockouts in public utilities has been upset, leaving states powerless to protect their own citizens against emergencies resulting from suspension of essential services, even though such emergency be economically and prac-

tically confined to one state. Even the employment of a window washer in a building in which office space is leased by a tenant engaged in interstate commerce may, by reason of the latter fact, be subject to federal labor law to exclusion of state control.

### New Vistas Opened

Interpretation of the Fourteenth Amendment has opened up whole new vistas for federal judicial review of criminal convictions in state courts, in a manner and to an extent until recently unknown to legal and judicial thinking in this country and with interminable resulting delays in bringing the wrong-doer to final justice. State convictions may be and now are upset in Washington for too speedy justice, for nonappointment of counsel for the defense, for failure to provide the accused, on appeal, with a transcript of the trial at public expense, etc.

As the ambit of federal judicial authority is thus constantly widened, we may get a glimpse of things to come. Already, in lower federal courts, it has been urged and those courts have considered whether a state law prohibiting public employes from belonging to unions is violative of the Due Process, Privileges and Immunities, and Equal Protection clauses of the Fourteenth Amendment or abridges the freedom of expression and association guaranties of the Federal Constitution; or whether treaties of the United States, made by the Constitution the supreme law of the land, may supersede state and local law governing matters of local concern; or whether a state may pro-

ceed with removal proceedings against the Mayor of one of its cities for malfeasance while criminal proceedings on the same grounds are pending against him. These are part of the body of decisions giving rise to a concern that, by judicial construction, national powers are being too greatly and dangerously enlarged and state and local power correspondingly contracted. Of this trend, the Conference of Chief Justices, and many others, have spoken with consternation. Great judicial self-restraint in this critical field of Federal-State relationships was enjoined upon the Supreme Court by the members of the Conference. I concur.

If Jefferson were to reappear on the American scene today, would he feel impelled to say "I told you so," pointing to his language of 1823: When he said: —

*"\* \* \* there is no danger I apprehend so much as the consolidation of our government by the noiseless, and therefore unalarming, instrumentality of the Supreme Court."*

What, you may ask, accounts for this change in judicial holdings with its resultant change in federal-state relationships? If, as commonly supposed, courts follow precedents, how can these latter-day decisions be explained? In this connection, comments of Mr. Justice Owen J. Roberts in 1944 are pertinent. Said he:

*"I have expressed my views with respect to the present policy of the court freely to disregard and to overrule considered decisions and the rules of law announced in them. This tendency, it seems to me, indi-*

eates an intolerance for what those who have composed this court in the past have conscientiously and deliberately concluded, and involves an assumption that knowledge and wisdom reside in us which was denied to our predecessors \* \* \*

*"The reason for my concern is that the instant decision, overruling that announced about nine years ago, tends to bring adjudications of this tribunal into the same class as a restricted railroad ticket, good for this day and train only."*

At the root of the problem is a difference in concept of the proper function and role of the Supreme Court. The court has been divided into two competing judicial philosophies. Let us examine a bit of the thinking of each. First, there is the language of John Marshall, who said:

*"Courts are the mere instruments of the law, and can will nothing \* \* \*. Judicial power is never exercised for the purpose of giving effect to the will of the legislature; or, in other words, to the will of the law."*

Mr. Justice Frankfurter recently wrote:

*"The Constitution is not the formulation of the merely personal views of the members of this court \* \* \*"*

Mr. Chief Justice Hughes said:

*"Extraordinary conditions do not create or enlarge constitutional power."*

The great constitutional authority, Judge Thomas N. Cooley, wrote:

*"What a court is to do, therefore, is to declare the law as written, leaving it to the people*

*themselves to make such changes as new circumstances may require. The meaning of the Constitution is fixed when it is adopted, and it is not different at any subsequent time when a court has occasion to pass upon it."*

Similar views often were expressed by the court in the past. So in 1889, it said of the object of constitutional interpretation, that it "is to give effect to the intent of its framers, and of the people adopting it." In 1905, the court declared:

*"The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted it means now. \* \* \* Those things which are within its grants of power, as those grants were understood when made, are still within them, and those things not within them remain still excluded."*

In 1936, Mr. Chief Justice Hughes wrote:

*"If the people desire to give Congress the power to regulate industries within the state, and the relations of employers and employees in those industries, they are at liberty to declare their will in the appropriate manner, but it is not for the court to amend the Constitution by judicial decision."*

These statements are expressive of the traditional concept of the rule governing court construction of constitutional provisions, held by an earlier court and perhaps still shared by some of its present members. This represents the doctrine of judicial restraint.

#### **Opposing Voices**

In opposition are those on the court, with disciples notably

among the writers and professors of law, dedicated to judicial activism. The theme of this group has been succinctly stated by one of the professors. It is this, "The court cannot escape politics; therefore, let it use its political power for wholesome social purposes." They seize upon the statement of Hughes, in his 1907 Elmira speech, that the Constitution is what the judges say it is. Can it be concluded from this that the Constitution may be made, by judicial fiat, to mean whatever the Justices want it to mean? That was not the import of the Hughes statement or speech, nor does it comport with his judicial writings. It is the position of the judicial activists that the court is free to interpret the Constitution in the light of current philosophies, psychology and political and social doctrines, regardless of the original intent of its framers and adopters. One of the Justices of this group has written, "Stare decisis," that is the rule of following precedent in the decision of cases, "must give way before the dynamic components of history." The dean of a noted law school has written:

"It will not do to say that in construing these provisions of the Constitution the court should be limited to the meaning the terms had when they were written. \* \* \* The scope and meaning of the provisions of the Bill of Rights evolve, like the meaning of other constitutional terms, and other terms in law. They are stages in the organic process by which ideas flourish or languish, as new generations find for themselves new and valid meanings for the old words."

The late Professor Thomas Read Powell wrote of the differing ap-

proach to the law of the two schools of thought, that the difference between them is in their conceptions of the proper scope of the judicial function, the one having a leaning for getting the result in the particular case as if it were a legislative choice, but the other, on the contrary, having a leaning to respect the outlines and many of the details of an established legal system.

Ladies and Gentlemen, government IS your business; and no part of it more so than the doings of the courts. One of the chief responsibilities of citizenship, essential to survival of a government by the people, is to become informed about government, to arrive at conclusions, form convictions, and then make a worthy contribution to the great body of public opinion which ultimately makes itself felt in the halls of government. So, if perchance there be courts with ears to the ground, even there may the voice of an informed people be heard. Thus may the issues here considered be resolved and thus may government and constitutional rights in the future be what you, the people, want.

#### Indestructible Union

Shall the trends we have here considered be continued, retarded or arrested? Shall it be held again, as the court once said, that "the Constitution, in all its provisions, looks to an indestructible union of indestructible states"? You, the American people, must make the final judgments on these matters. As you do, mark well what the philosophy of the judicial activists may portend for the liberties of the people and our free institutions.

If the court is to have wide latitude in determining constitutional meaning, and, as some suggest, may find it elsewhere than in the language of the Constitution itself or may ascribe a new meaning thereto not intended by the framers; if, as urged, the court is to exert a political power to achieve the social ends it deems expedient, what will remain of constitutional restraints on government and constitutional guarantees of personal rights and liberties? Shall not these be left, then, to the whim and caprice or, at best, the good intentions of men, be they judges, legislators or administrators of the law? It was not for this that our forefathers fought nor for this they framed the Constitution and its Bill of Rights.

Ladies and Gentlemen, an awe-

some obligation is yours. Government IS your business. What will you do about it? In the words of Sir Edmund Burke:

*"All that is necessary for the triumph of evil is that good men do nothing."*

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### THIRD ANNUAL PRESS AWARDS

Three Louisiana newspapers received awards for presentations of outstanding material on legal matters at the annual meeting.

The newspapers were the Daily Iberian, the Minden Press, and the Shreveport Times. The presentation, by Louisiana State Bar Association president Fred A. Blanche, Sr., marked the bar's third annual press awards.



### PRESS AWARD

DONALD EWING, editorial page editor, of the Shreveport Times, receives one of the annual press awards of the LSBA from Fred A. Blanche, president of the association at the annual meeting.

# **The French Language in English and American Law**

*By Sidney S. Alderman*

Two things in the controlling instructions I received from my long-time friend, your President Harry McCall, ought immediately to console you. The first was that I should be brief. If "brevity is the soul of wit," I think I can guarantee that I shall be witty at least in that sense.

The second instruction was that I might choose any subject I wished, but with the caveat that I omit anything too controversial. That is a severe limitation of the permissible field. Almost everything is controversial in this day and time. It might be possible to develop a controversy over such an old concept as "the law of the land." Certainly there might be controversy as to what "with all deliberate speed" means. Anything political is out. So is anything in the field of international relations. So might be anything about literature, art or science.

And so, quickly, and with firm determination to avoid the controversial, I shall play it safe and invite you back nine centuries to the Norman Conquest and one of its profoundest results. I hope that you like words. They are the tools of our trade, with which we make and argue controversies. Indeed many controversies really involve nothing more important than words and their definitions. But, in and of themselves, I hope that words are not too controversial,

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for I am going to talk to you about words, about the origins of the great body of the language of our law.

You good people of Louisiana rightly feel that you are peculiarly the inheritors of the French tradition in our country. You probably feel that you have somewhat a monopoly of that tradition, of its language, of its laws, of its famous Cartesian clarity. There is much truth to that, but I believe you may be mildly surprised to hear it said that the great body of the language of our laws, not merely your law of Louisiana, but all of English and American law, is the French language, which the Frenchified Norsemen of Normandy brought over the Channel in 1066 and imposed as conquerors on our Anglo-Saxon ancestors at the Battle of Hastings. That conquest not only made England for the first time one nation, with one unchallenged government, but it simply and *par force majeure* imposed the French language on the language of England. There it is. There it remains. There is nothing anybody can do about it. When we speak English today we are, to the extent of over a third of what we say, speaking French, whether we realize it or not. But when we speak the language of the law, what we speak is almost all French.

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*Sidney S. Alderman is general counsel for the Southern Railway Co., and has served as special assistant to the Attorney General of the United States and as associate trial counsel at the Nuremberg trials.*

### Old Maxims

In spite of much talk about "Law Latin," there is surprisingly little Latin in the language of our law, hardly more than a handful of generalized and fairly useless old maxims. For example *cujus est solum, ejus est jusque ad coelum*, which the Supreme Court abolished a few years ago as obsolete in our day of air travel. Anglo-Saxon is almost lacking in the language of our law. Fully ninety percent of the distinctive language of English and American law is purely French, or Norman-French. You in Louisiana probably beat the rest of us, in this respect, only about another five percent. Only in Louisiana would I expect all lawyers in an audience to know the meaning of that wonderful French name for the hallroom of a court, *la salle des pas perdus*. And how many steps we all have wasted in such a hall-room!

After the Norman Conquest, and particularly after the Assize of Novel Disseizin a hundred years later, in 1166, litigation in England was conducted in royal courts, French-speaking courts, by French-speaking judges and lawyers. The early reports, the year books, were written in Norman-French. Royal edicts and regulations were in that language. French thus early became the distinctive language of the English law. We tend to forget to what extent it still is the language of the law. Indeed, our general language, what we now in the reign of Elizabeth II must call "the Queen's English," is three languages in one, composed roughly one-third each of Anglo-Saxon, classical Latin, and French. This

makes ours one of the richest and most varied languages of the civilized world.

An interesting result of this threefold composition of our mother tongue is the distinct tendency to use the common, or Anglo-Saxon, words for common or ordinary things or occasions, for what we call in good Anglo-Saxon "homely" things and occasions, and to use Latin or French words for more learned, formal, or stately things or occasions. You will find that when you are talking informally on the street, or at a football game, or on a fishing trip, you quite naturally use largely Anglo-Saxon words. Many of them are pungent, especially the four-letter ones. But when you are arguing a case before the Supreme Court of Louisiana or of the United States you instinctively use the Latin and French parts of our language.

Let me give you an illustration of what I mean, one which may not have occurred to you.

When the Supreme Court of the United States is about to convene, the erier (and incidentally "erier" is a French word — in Anglo-Saxon it would be the "shouter" or "caller" — his real title is Marshal, but that also is French) but anyway this erier or Marshal is on the alert (which also is French). As the members of the Court come through the heavy draperies (and draperies are French), he raps for the audience (also French) to rise, and in solemn tones he announces:

*The Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States.*

Then, when the justices have taken their places behind the bench, the Marshal intones:

*Oyez, oyez, oyez! All persons having business before the Honorable, the Supreme Court of the United States, are admonished to draw near and and give their attention, for the Court is now sitting. God save the United States and this Honorable Court.*

Incidentally, after some of their decisions in recent years, some of us have wondered whether that last sentence ought not to be changed to "God save the United States from this Honorable Court." But I remember that I must not touch on anything controversial.

Out of that whole formula announcing the sitting of the Supreme Court, the following words are French words, brought over to England with the Norman Conquest: "honorable," "chief," "justice," "associate," "supreme," "court," "united," "states," "oyez," "persons," "admonished," "attention," and "save."

### Oir — Oyer — Oyez

Many people, some lawyers, some judges even, have no idea what "oyez" means or whence it comes. But of course all of you know. It is the imperative of the Norman-French verb *oyer* and means "hear ye!" Oyer is from the older French verb *oir*, the modern French form of which is corrupted to *ouir*, and all of these are from the Latin *audire*, "to hear," from which comes also "audience."

The same verb had familiar use in old English law in the Courts of Oyer and Terminer, meaning Courts for hearing and determin-

ing. Those courts trace back at least to long before the reign of Edward III, since such abuses had already grown up in the jurisdiction of those courts that a statute of Edward III confined their jurisdiction to "great and horrible trespasses." The State of Delaware still has a Court of Oyer and Terminer.

Blackstone has an interesting footnote dealing with this cry "oyes." He is speaking of the "ignorance of succeeding clerks" in misunderstanding the meaning of certain Latin and French terms in pleadings, and in the footnote he says: "Of this ignorance we may see daily instances in the abuse of two legal terms of ancient French; one, the prologue to all proclamations, 'oyez,' or hear ye, which is generally pronounced most unmeaningly, 'O yes'; the other a more pardonable mistake, viz., when the jury are all sworn, the officer bids the crier number them, for which the word in law—French is 'countez'; but we hear it pronounced in very good English, 'count these'."

I was interested to compare with Blackstone's statement that by the French dictionary, *Nouveau Larousse Illustre*, which speaking of *oyez*, says, as I translate it: "a French word which English criers still pronounce to command silence of the audience and which they pronounce 'O yes'; French criers also formerly said 'oyez,' a word which, however, they have replaced by another polite one: 'silence!'"

You need not, however, take my word for the profound effect of the Norman Conquest on the Eng-

lish language and particularly on the language of English law. Pollock and Maitland, in their *History of English Law*, call the Norman Conquest "a catastrophe which determines the whole future of English law." Speaking of the effect of the conquest on our legal language, they say: "One indelible mark it has stamped forever on the whole body of our law. It would hardly be too much to say that at the present day almost all our words that have a definite legal import are in a certain sense French words."

### French Outweighs English

They point out that a few English terms were preserved, such as earl, sheriff, king, queen, knights of the shire. Aldermen are English, but mayors are French. Parliament, statutes, privy council, ordinances, peers, barons, commons, the sovereign, the state, the nation, the people, all are French.

True a man may still give, sell buy, let, hire, borrow, bequeath, make a deed, a will, and even commit manslaughter or murder in English. But contract, agreement, covenant, obligation, debt, condition, bill, note, master, servant, partner, guarantee, tort, trespass, assault, battery, slander, damage, crime, treason, felony, misdemeanor, arson, burglary, larceny, property, possession, pledge, payment, money, grant, purchase, devise, heir, easement, marriage, guardian, infant, ward, all are French.

When we enter a court of justice, courts, justices, judges, jurors, counsel, attorneys, clerks, parties, plaintiff, defendant, action, suit, claim, demand, indictment,

count, declaration, pleadings, evidence, conviction, judgment, sentence, appeal, reprieve, pardon, execution, every one and every thing, save only the witnesses, writs and oaths, have French names.

All these French names came over with the Norman Conquests. Indeed, Pollock and Maitland further say: "If we must choose one moment of time as fatal, we ought to choose 1166 rather than 1066, the year of the Assize of Novel Disseizin rather than the year of the Battle of Hastings. Then it was that the decree went forth which gave every man dispossessed of his freehold a remedy to be sought in a royal court, a French-speaking court. Thenceforth the ultimate triumph of French law terms was secure."

The reference to the Assize of Novel Disseizin brings to mind one of the most interesting features of the Norman Conquest, that it brought over to England, as a fully developed fait accompli, the continental feudal system and superimposed it on the much more rudimentary feudal system already existing in England. And the Normans brought with it all their French, technical, feudal terms. Thus we have seizin, livery of seizin, attornment, feud, fief, lease, liege lord, tenant, tenant in capite, tenure, condition, villein, serf, fealty, homage and a host of other French, feudal, technical terms.

### Root of Homage

Homage is one of the most interesting of these terms. When the King made a man one of his tenants in capite and invested him with the feudal tenure of his lands,

on condition of performing military or other services, or when a subtenant so invested a sub-subtenant, the inferior, on his knees, placed his hands in those of the superior and swore, "Je suis votre homme," that is, "I am your man." When this man performed the service upon condition of which he held his lands, he was said to render his homage, that is, render his man's-service. So when a modern Frenchman kisses the hand of lady and says, "Madame, Je vous présente mes hommages," he is using the feudal formula. He is saying that he is her man, to perform for her military or any other service she may demand or desire of him. It need hardly be suggested that the formula is often a gross exaggeration.

*Not only in the technical terms of the feudal system do we have French terms, but English and American law are full of French words, recognized as French words and not merely English words derived from Latin and French, many of which come right down to date and are still in current use.*

Appuye, in old English law, was the point to lean on; the defense.

Au bout de compte—at the end of the account—is found in the old books.

Today we still hold property pur autre vie—for the life of another—or pur autre droit—in the right of another.

The pleas autrefois acquit—already acquitted—or autrefois convict—already convicted—both pleas of double jeopardy, still exist. But since the decisions of last month those are no good when it is both the federal and the state

governments that are proceeding to put you in double jeopardy.

Battel, or bataille, meant single combat in the brave old days.

Beaupleader was a fair pleader.

Biens were goods and chattels. Chattels itself is French.

Biens meubles ea immeubles were goods movable or immovable.

Bosage was that food which trees yield for cattle.

Celui, or slightly corrupted forms of it, is still common, especially in the law of trusts. One for whose benefit a trust is held is celui qui trust, or cestui que trust, or even sometimes cettui que trust.

A curious old law term was chafewax — an officer who melts or impresses the wax used in sealing documents.

Chargé d'affaires — one who is charged with the business or the responsibility — not only was an old law term in England but it is now in everyday diplomatic use all over the world. Washington is full of chargé d'affaires.

Chaunce was a chance-medley or mishap, an accident.

Cheveres meant goats.

Chose in action is used commonly today in our law language.

Congé d'élire — leave to elect — was the King's permission to a dean and chapter to elect a bishop.

Cornage — hornage — was a feudal tenure, the service of which was to blow a horn upon approach of the enemy.

#### Burial Present

Corsepresent — corpse present — is a curious term. It was the present or fee given to the minister of a parish upon the death and burial of a parishioner.

The terms of heraldry in English are all French. You all know the French motto of the Throne of England, *Dieu et mon droit*, and the amusing motto of the Order of the Garter, *honi soit qui mal y pense*, "evil to him who evil thinks," said to have been exclaimed by an English King when a lady let slip her garter in his presence. That reminds me of a play on words that was current in England during the last war, when it was thought that the famous Professor Harold Laski had too much influence over Mr. Atlee. Some wag said, "Atlee soit qui Laski pense." And so in heraldry we have lion rampant, or couchant, or unicorn regardant, and a host of other terms, all in French.

**Crier la peez** — cry the peace — meant the same thing as to read the Riot Act.

**Cy — here** — occurs often in our law today. **Cy près** — near this — is a doctrine of the law of trusts whereby, if the intention of a donor of a charitable trust cannot be carried out to the letter, the courts of equity will fashion a trust as nearly like that intended by the donor as possible. **Cy après** means "hereinafter."

#### **De Bien et de Mal**

**De bien et de mal** was in the wedding ceremony, "for better or for worse."

Commonly used in the old English law was the phrase **de common droit**, "of common right."

**Dehors** is used constantly. We speak of evidence **dehors** the record, or of evidence **dehors** the contract. Or frequently we simply say "evidence," and all lawyers know what is meant, though not all of them, except of course those in Louisiana, know that the word is French.

When any person intermeddles with the assets of the estate of a deceased person, or makes the unfortunate mistake of mixing the funds of such an estate with his own funds, he automatically becomes an officer of the court in spite of himself, just as Molière's doctor was *le médecin malgré lui*. He is called **executor de son tort**, "executor by reason of his own wrong," and he is held accountable in law just as if he had been named by the decedent or appointed by the probate court.

**Demens**, in old English law, meant one who had formerly been sane but who has lost his mind.

**Demesne** meant lands which a man held of his own free right and not under some superior lord. When you have this technical law meaning of the word in mind, the line from Keats' *On First Looking into Chapman's Homer* means much more to you, the line that runs, "That deep-brow'd Homer ruled as his demesne."

**Dieu son acte** was the term for the act of God, which is supposed to excuse a common carrier from a contract of carriage. But, as Harry McCall and I can assure you, it very rarely excuses a railroad.

**Droit d'aubaine** was the King's right of escheat of an alien's property, which reverted by this right to the King upon the death of the alien.

**Droit de brise** meant the right which in ancient times the Lords living along the coast claimed to property shipwrecked.

#### **Feudal Custom**

**Le droit du seigneur**, for which there was also a Latin term, *jus prima nocte*, existed in the old law of England, in word if not in fact.

It is not preserved among our modern legal institutions, though it seems to exist after a fashion in Hollywood.

Droit des gens is still used, meaning international law, the law of peoples, though the Latin form, *jus gentium*, is probably more often used.

Even today our statutes refer to a married woman as feme covert and to an unmarried woman as feme sole. Feme covert does not mean exactly what one might think. "Covert" is used in the ancient sense of sheltered or protected. The "sole" in feme sole is a reversion to the Latin *solum*, alone. It is a stronger, harsher word than the modern French *seule*. Une femme seule, in modern French, has a flavor of only moderate loneliness. In fact she may get around and have a pretty good time. But note how terribly and desolately abandoned it sounds when you say "feme sole."

And then the law has a French term for still a different kind of woman, and that is feme sole sub modo. That one is nice. It puts it in a suave, French, understanding manner. It means "a single woman to a certain extent."

As boys will be boys, so lawyers will be lawyers. The old English lawyers had a practice called "fourcher," literally to divide or to fork. It consisted in casting "essoins" or excuses by two tenants alternately, in order to delay the proceedings. The law still knows its deliberate delays, and all of us have known lawyers who are adept "fourcheurs."

Parle-hill, or parlinge-hill, anciently was a hill on which courts were held, *la ou on parlait*. So Parliament means a place where

talking is done. The phenomenon may be observed in the Senate of the United States any day.

Per tout et non per mi, by the whole and not by the moieties, is the way in which the estate by the entireties is held. It is good, if old, French.

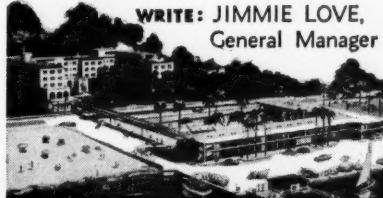
We still have the grand jury and the petty jury, and both are French. A neighbor of ours when we lived in North Carolina had a colored cook named Petty Larceny. Her parents had seen the name in the newspaper and thought it was pretty. It is pretty.

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The Pié Poudré Court, the powdered-foot court, which the English lawyers of course called the Pie Powder Court, was a court held at some fairs in England, where justice was administered instantly, whilst the dust was fresh on the feet of the suitors.

Such French terms as profit à prendre and prochain ami are too familiar to be defined.

The ancient address of the British Parliament to the King was in quaint French.

From this hasty review, and a book could be written on this subject, I think you will all see that it is not only in Louisiana that we find French terms dominating in our law language. And I reassert, and am confirmed by Pollock and Maitland, that when we speak the

language of English and American law almost everything we say is French. We still are under the direct influence of the Norman Conquest. But I do also say that we English-speaking peoples could not have taken over and used as much of the French language as we have without also, in like measure, having taken over a part of the French mind and spirit. Here lies a basic alliance and a spiritual unity between our peoples which must ever be important in world affairs. It is often said that France is indispensable to the world. That is true. But it is equally true that France and the French language are especially indispensable to the English-speaking peoples, and, more especially, to English and American lawyers.

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## THAT MEN MAY KNOW

by J. Handly Wright

When Sir Thomas More lay in the tower of London awaiting execution for disagreeing with the King on the Roman question, his wife remonstrated with him thus: "I marvel that you who have always hitherto been taken for so wise a man will now so play the fool to lie here in this prison and . . . I muse what in God's name you mean here thus fondly to tarry."

When I consider the assignment which was handed to me on this occasion, I confess I feel somewhat like Sir Thomas' wife and "I muse what in God's name I mean here thus fondly to tarry." For it is formidable enough for any layman to stand up and talk to a group of trained thinkers and reasoners and speakers as is the legal profession. The prospect is even more unnerving since I was asked here to give you advice in a field in which I suspect you may be as well qualified to speak as I.

In approaching the subject, however, I think it would be unwise of me to be too categorical in my conclusions lest I find myself in the same position as Lyman Beecher. It seems that an unorthodox church in his neighborhood caught fire and burned to the ground; and in his sermon the next Sunday Beecher said it was God's judgment on false doctrine. Before the week was up, however, Lyman Beecher's own church burned down too, no doubt to his great embarrassment.

Well, someone has said that a public relations man is one that tells you something everybody knows in

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words that nobody understands. As we discuss the subject briefly here this morning I may still not tell you anything you don't know but I will try to speak in a language we all understand at least. For one of the greatest drawbacks to understanding the subject we are to discuss this morning, is the fact that public relations has been clothed with such mumbo-jumbo language that its true fundamental worth may be difficult to perceive.

*I am always a little shocked at those who speak of the subject in terms of "manipulated movement of the mass mind," "complicated conclusions of the social scientists" and what not. In such erudite discussions of the subject I am usually tempted to reply with one word we all understand, namely "baloney."*

I cannot see why the basic simplicity of the subject of public relations is so often clouded with these high-brow descriptions unless it is meant to create an impression that only a few people with God-given talent are able to understand, direct and practice public relations. Again the best answer to this is "baloney."

I grant you there are probably as many definitions of the subject as there are people in this room but public relations as I view it is real-

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*J. Handly Wright, Washington, D.C., is vice-president for public relations, Association of American Railroads and is a past president of the Public Relations Society of America.*

ly a very simple thing and if we are to have a constructive discussion here this morning I hope I can describe it to you with the same simplicity with which I view it. Applied to a company, public relations simply means good corporate manners. Applied to a profession it simply means making friends for the profession or the cause or the movement with which you are identified.

### "Policy" Significant

Now I grant you that that may be an overly simplified description but basically I ask you to keep that description in mind. A little more formal definition widely accepted in our craft is "A planned program of policies and conduct that will build public confidence and increase public understanding." The most significant word in that definition, in my opinion, is the word "policies" because any organized effort in the field of public relations must have its roots in policy. The reason is quite simple. A policy is a course of action; something you do, and your public relations results arise out of your actions or what you do as contrasted with, for example, what you say.

Too often we find people who regard public relations as the creation of favorable news through the

public press, radio and magazines. This is deceptively narrow interpretation of the subject. Press agency would be a better name for that. Such contentions are based on the belief that public attention is public relations. As a matter of fact public attention in itself is not necessarily good public relations and is often fraught with real risk. It is easy to attract public attention and to forfeit public respect. The old adage that every knock is a boost may be good press agency but it is bad public relations and definitely bad business.

The effectiveness of good public relations based simply on good manners, fair thinking and common courtesy is too apparent to be denied. The woods are full of illustrations we all know, going back to the days of Ivy Lee and John D. Rockefeller who came to be looked on as a human being because he acted like one, on up to the present day, but I would like to call your attention to one point. If you will think of all the illustrations which you classify in your own mind as "good public relations" I believe you will find they are based upon good actions and right thinking rather than some clever or expedient statement.

Or to reverse the illustration, all the fancy statements or words you may issue about your intentions, or your promises, or your hopes, are of little effect in creating a public impression of you compared to the effect which your actions create. I have had enough experience with the practical side of public relations to learn this one thing: there is no substitute for actions. There is no short-cut to good public relations. There is no easy, effortless

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way. One doesn't buy public relations like a sack of potatoes. It isn't a commodity that can be purchased with an appropriation or an assessment. It isn't a responsibility that can be delegated to a department or a consultant or a committee or even a bar association.

*As a matter of fact, you can't even decide whether you will have public relations or not. The day you hung out your shingle as a lawyer or the day you secured a certificate of incorporation as a business, you began to have public relations. Your only choice is whether you will give intelligent thought to the creation of good public relations or whether you won't.*

It may sound a little lofty to put it this way but I think I can make my point when I say that good public relations, whether it be for the legal profession or for an institution, is actually a way of life. Your public relations arises from policies you follow which, in turn, are based upon your way of thinking. What I am saying, in other words, is that good public relations must be earned and deserved and based upon something concrete in the way of attitude, character, personality and performance.

### **Sinews of Character**

At the risk of sounding too high-brow, let me put it another way. The sinews of character include truthfulness, sincerity, honest dealing and the faithful performance of duty. These are the same under any and all circumstances and neither the pace of modern life, nor wars, nor peace, nor politics, diminish their importance one whit. These are the virtues which give life

worth and dignity and which keep unimpaired that most important of all your possessions, your self respect.

Did you read some time ago in Time Magazine, the story of Hoagy Carmichael, who wrote "Stardust" and other popular tunes? Do you recall how it ended with that stray bit of wisdom offered him by a colored piano player? "Never play anything that ain't right," he said, "you may not make any money but you'll never get hostile with yourself." Whether he knew it or not, that colored piano player was expressing, with simple eloquence, the basic fundamental of good public relations. Nowadays, goodness knows, there are plenty of opportunities, plenty of precedents and plenty of temptations to explain the conscience away and to blur the distinctions between right and wrong on clever grounds of relativity or expediency. But those who do are sure to "get hostile" with themselves and the public will detect it. Something goes out of our private life when we lose our self respect. The voice loses its clear note of positiveness and we are no longer masters but slaves of our conscience. You remember from your school reading the tortured voice of Macbeth crying out:

*Canst thou not minister to a  
mind diseased  
And with some sweet oblivious  
antidote  
Cleanse the stuff'd bosom of  
that perilous stuff  
Which weighs upon the heart?*

Your self respect, your character, the quality of your mind, show forth in your work more clearly than you think, perhaps. If you are asking for public approval of

yourself and your profession you should see to it that you offer something which deserves public approval. In a stimulating essay John Drinkwater insists that every idle word we speak matters profoundly. It helps to shape a climate of opinion and in turn this climate of opinion blights or obliterates an age. "If you preach friction you have friction" he says, "and if you preach friendship, you will have friendship." The great Scottish preacher Ian McLaren used to tell his congregation over and over again: "Be kind; nearly everyone you meet is fighting a hard battle."

You lawyers have an opportunity, by the nature of your profession, given to few other people, to win the enthusiastic respect and affection of the public. My thoughts go back almost 30 years to the time when I, as a young newspaperman and freshly-graduated law student, found myself serving as advisor to the public relations committee of the New York County Lawyers Association. A friend of mine, important in the New York bar, asked me at that time if I thought the legal profession as a whole and lawyers as individuals needed to be concerned with public relations. "What can public relations, as the professionals speak of it, really do for lawyers?" he asked me.

His question, sincere though it was, left me with a deep feeling that the framing of the question itself was proof of the need. He was perfectly willing "to buy a sackful of public relations" if he could be convinced that it would help the profession. He would probably have been willing to sit on

an advisory committee to consider the subject had he been asked but the thought that the public relations of the legal profession began in his own heart, in his own mind and was reflected in his own actions, was completely foreign to his understanding. In a sense, he was like the old colored preacher I know in my youth who prayed reverently but truthfully, "Oh Lord, use me as Thy good and faithful servant, but use me in an advisory capacity."

### **The Layman's Uncertainty**

There is much to your profession which the layman considers mysterious or overtechnical, or hard to understand. I know you are familiar with the results of one quiz game based on the law which showed that people were completely uncertain about which of the following statements were true or false:

*. . . A husband can leave anyone anything he wishes in his will.*

*. . . To make a will stand up in court, a parent must leave each child at least \$1.*

*. . . Property, to be considered an estate, must be worth at least \$10,000.*

*. . . A lawyer must not divulge a crime confessed to him by his client.*

All this does is to show that the public either doesn't know or doesn't care about the details of your profession. It is all the more important, therefore, that they approve and endorse your principles and leave the details to you.

The public relations professional learned a long time ago that public interest can be focused on a

condition, can be sold on the need for doing something about the condition and can be sold on who is the right party to do it, but cannot be interested in the details of a solution. Carrying it one step further it is fair to conclude from that, that if the public holds the legal profession, or any other profession, in high regard, it is willing to accept the activities of that profession as being honorable and proper and commendable. There should be no distress from the fact that the public does not understand the details of the law. There should be great concern over the fact that the public does not understand lawyers.

#### **Information — Primary Purpose**

You in Louisiana, I believe, are far advanced today in your conception of this subject and your recognition of the obligations imposed upon you as individuals in seeking public understanding. Your stated need for public relations, as quoted in the brochure prepared by your public relations committee and your public relations counsel, is well worth reviewing at such a meeting as this one. Your committee stated that "the primary purpose of any good public relations program is information. Both the legal profession and the general public benefit from such a program."

Your committee went on to say that "the bar's public relations would improve if the public can know the following four things are true:

1) The law is a good tool for the conduct of public and private affairs and the bar acts to make it a better tool. The flaws of the law

give the bar an everlasting job of improving the law.

2) Our system of justice is, or can become, a good tool for expressing this law in our affairs.

3) The private practice of law is, or can become, the best tool yet to serve the American people's many interests under the law.

4) The bar is a sound tool to improve the law and the courts and to raise the lawyers' standards of admission and conduct. It is vital for the public to think of the bar as the agency to do the people's bidding in getting effective machinery of justice."

These are lofty aims and laudable ambitions, and if the action is suited to the word there is no reason I know of why you cannot attain them. Your presence this morning is tangible evidence that you intend to do something about it. I cannot overemphasize the importance of your own individual conduct in influencing public opinion about your profession.

The able, upstanding lawyer who participates in the betterment of his community represents the legal profession to his neighbors. His interest in his church, his neighbors, in civic affairs and better government, all have a bearing on the esteem of his fellow citizens, both for him and for the profession he represents. Conversely, the lawyer of selfish, narrow, or inept demeanor or symbolizes the legal profession to those who know him. His possible questionable practice, disinterest in his community, or plain cussedness, is a public relations liability for the bar. Your active public relations program can't, of course, change all of these individual liabilities into assets but it can help.

## Positive Program

A positive program such as you have here in Louisiana continuing over the years, will bring a realization to all who are ambitious and enlightened that it is to their self-interest to practice good public relations. The growth of this climate of understanding and appreciation is highly important. As this climate develops you will constantly demand of other lawyers a standard of ethics and practices commensurate with your own. It seems to me that you have marked the way for your members to achieve good public relations and as an association you are giving them able and skillful assistance through the good work of your officers, your board of governors and your committee.

Awareness of your opportunities, the intelligence to apply the lessons before you and the stature to leave your imprint on your profession — these, as I see them, are the guiding lights of your future in this, your chosen field. It was the late Arthur Kudner, I believe, who said "we know we are born to die, but to the everlasting glory of our species, we work and plan as if we didn't believe it." Your profession will be here a long time after you are gone. I suggest you work and plan now to leave your imprint so strongly on your task that when your time to leave this world does come, the world will have been better off for your sojourn.

If this be your guiding light, you may never have to worry again about your public relations.

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## PRESENT LOCAL BAR AWARDS

Five local bar associations were cited by the Louisiana State Bar Association for outstanding activities at the annual meeting.

Winning awards of merit were the Jefferson Parish Bar Association, in the large bar classification, and the Acadia Bar Association, in the small bar classification. Honorable mentions went to the Alexandria, New Orleans, and Southwest Bar Associations.

### "TIME IS OF THE ESSENCE"

While this is an important principle in certain types of contractual cases, this phrase may be of extreme importance to the lawyer in his every day practice, i.e., in the preparation and printing of a brief.

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## LOCAL BAR AWARDS



AWARDS OF merit to local bar associations were presented at the annual meeting by LSBA president Fred A. Blanche. Receiving the award for the Jefferson Parish Bar Association, above, are, Fred S. Bowes, center, immediate past president, and A. J. Grafagnino, president of the Jefferson Bar. Pictured at left is Judge Edmund Reggie accepting the award of merit for the Acadia Bar Association.

## House of Delegates Action

At its last meetings, May 21 and 23, 1959, the House:

- (1) Received the reports of its standing and special committees; the reports and recommendations of the officers, Board of Governors, and standing and special committees of the LSBA.
- (2) Adopted a motion calling for the appointment of a committee to continue the work of the preceding Committee on Amendments to the Articles and By-laws and to enlarge that committee to five members who will report back to the House at the Mid-Winter conference.
- (3) Adopted a resolution amending Article XIII of the Articles in accordance with the order of the Supreme Court outlining procedures in ethics and grievances matters.
- (4) Endorsed the report of the ABA Special Committee on Communistic Tactics, Strategy and Objectives and calling for remedial legislation by the Congress, as called for by the ABA House of Delegates, which legislation is to include a specific pronouncement of Congressional intention that state statutes proscribing sedition against the U. S. shall have concurrent enforceability.
- (5) Adopted a resolution that it is to the best interest of the public to continue regulation and supervision of all aspects of insurance by the several states and that this Association lend its assistance and support to all proper measures tending to improve state regulation and supervision of the insurance industry and oppose all proposals to supplant or replace state legislation with supervision by the federal government or any of its agencies.
- (6) Referred to the House Committee on Amendments to the Articles and By-Laws the request by past presidents that some of their members be seated in the House.
- (7) Adopted a resolution amending the by-laws relative to the Section on Insurance which would change the title of that section to "Section of Insurance, Negligence and Compensation Law," and broaden the activities and interests of that section.
- (8) Adopted a resolution endorsing House Bill 252 and Senate Bill 11, which would increase salaries of appellate judges, which bills were then pending in the Legislature.
- (9) Adopted a resolution endorsing and urging the enactment of legislation presently pending in Congress which would increase the pay status of Judge Advocate Officers and thus cause this service to be more inducive to the recruitment of qualified officers.
- (10) Adopted a motion calling for the appointment of a committee to amend the rules of the House to limit the time of speakers to twenty minutes.

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(11) Adopted a resolution amending Article XII (relative to admissions to the bar) in conformity with the Supreme Court order, in the same verbiage.

(12) Went on record as expressing its sincere appreciation of President McCall's sterling efforts in behalf of the Association during his tenure.

## Board of Governors Action

At its last meeting, May 30, 1959  
The Board:

(1) Adopted a proposed budget of \$87,834.68 for the fiscal year 1959-60, subject to review after six months.

(2) Approved all resolutions of the House of Delegates at its meetings in Biloxi May 21 and 23.

(3) Adopted a motion recommending to the Committee on Amendments to the Articles and By-Laws that that committee consider an amendment which would permit a twenty

day delay, instead of a ten day delay, in which the Board may act on a House action, thereby allowing the Board additional time for study and consideration.

(4) Authorized the President to make appointments to the various standing and special committees of the Association.

(5) Adopted motions calling for the continuation of the special committees on Insurance and on the Economic Survey of the Legal Profession in Louisiana.

## Supreme Court Of Louisiana

### ORDER

Pursuant to the provisions of Act No. 54 of 1940, memorializing this court to create the Louisiana State Bar Association as an arm of the court under its inherent power, and, under its rule-making power, to provide rules and regulations for its proper functioning, including the power of subpoena in cases of discipline, suspension, or disbarment.

IT IS ORDERED that Section 3 of Article XIII of the Articles of Incorporation of the Louisiana State Bar Association, as adopted and approved by this court on March 31, 1941 be amended to read as follows:

*"Section 3. Rights of Persons Complained Against, and Sub-*

*poenas.* Any person complained against shall be given notice thereof in writing with at least fifteen (15) days within which to reply, as well as a reasonable opportunity to defend himself before the committee by introducing evidence and by cross-examining the witnesses against him, and the right to be represented by counsel.

"Any such person who has been given due notice of the complaint lodged against him and who has failed to respond thereto within the time specified may be compelled to appear before the committee in person, provided the committee shall have given him a second such notice in writing in which notice he is warned that he will be formal-

ly subpoenaed upon his failure, refusal, or neglect to respond to this second notice.

"Upon the written application of the committee, properly attested by its chairman or secretary, showing that the person complained against has failed to respond or reply after receipt of due notices as above outlined, the Clerk of the Louisiana Supreme Court, or, in his absence, one of his duly authorized deputies, shall issue a subpoena in the name of the court which shall be served upon the individual to whom addressed either by the Crier of the Louisiana Supreme Court or by any duly authorized sheriff, deputy sheriff, constable, deputy constable, or other public official authorized by law to make service of process in civil proceedings in the jurisdiction wherein the subpoena is to be served.

"Both the committee and the person complained against shall have the right to compel the attendance of witnesses at any and all meetings of the committee during its investigations, and shall have the right to compel the production of any books, records, documents or other evidence that may be relevant to the matter under investigation; and to that end the

committee may issue subpoenas for witnesses and writs of subpoena duces tecum in the name of the court.

"Any person, whether it be the person complained against, a witness summoned by him, or by the committee, who has failed to appear before the committee in response to a subpoena or a subpoena duces tecum properly issued and served shall be in contempt of this court, and the committee is authorized to immediately institute contempt proceedings against such person in accordance with the law of this state governing the proceeding for contempt."

Thus done and signed at New Orleans, Louisiana, this 20th day of March 1959.

Jno. B. Fournet  
Chief Justice.

A. L. Ponder  
Associate Justice.

Joe B. Hamiter  
Associate Justice.

Frank W. Hawthorne  
Associate Justice.

E. Howard McCaleb  
Associate Justice.

James D. Simon  
Associate Justice.

W. B. Hamlin  
Associate Justice.

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## **Work Of The Special Insurance Committee Of The Louisiana State Bar Association**

*by William E. Skye, Chairman*

During the administration of Mr. J. J. Davidson as president of the Louisiana State Bar Association, a special committee for insurance was appointed with Mr. Thomas C. Wicker of New Orleans as chairman. This special committee for insurance was instructed "to review the entire insurance program of the association and make recommendations in connection therewith".

The committee immediately began an investigation of the benefits available to our membership through the application of its mass purchasing power to the field of insurance. The committee did not feel that it had completed its investigation by the end of Mr. Davidson's term and, therefore, recommended in its 1958 report that the life of the committee be extended.

Mr. Harry McCall, as president, extended the life of the committee. The members of your special insurance committee are Mr. T. Haller Jackson, Jr., Shreveport; Mr. Byron R. Kantrow, Baton Rouge; Mr. Iddo Pittman, Hammond; Mr. Earl H. Edwards, Marksville; and Mr. William E. Skye, chairman, of Alexandria.

It soon became apparent to the committee that professional association group insurance could provide our membership with many attractive and liberal insurance coverages at significantly reduced rates. It became equally apparent that professional association group insurance in the group life field and in the group hospitalization field were highly complex subjects, requiring a specialized knowledge of insurance. The committee, therefore, requested that the Board of Governors appoint a broker of

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record to assist and advise the committee in its selection of coverages, preparation of specifications and negotiations with various carriers in connection with group life, group hospitalization, health, accident and disability insurance.

More than 20 insurance men from all over the state applied for this position. After numerous meetings, the committee submitted the names of three brokers to the Board of Governors and requested that one of these three be appointed broker of record for the Louisiana State Bar Association Group Insurance Program.

The Board of Governors appointed Mr. Henry J. Miltenberger and Mr. Lloyd Adams, Jr., of New Orleans, who had applied jointly to investigate group life insurance and group hospitalization, health, accident and disability insurance programs. Following this investigation the brokers of record made recommendations to the special committee on insurance of the Louisiana Bar Association which in turn submitted its recommendations to the Board of Governors. After the Board of Governors decided which of the proposed group insurance programs was most desirable, it then authorized the

brokers of record to negotiate with the companies bidding for such group coverage.

The administration by the brokers of record is being handled by their service corporation, Gilsbar, Inc., without expense to the association.

### **Liability Coverage**

At the same time, the committee itself was negotiating with various companies for the best available professional liability insurance coverage. The committee discovered that the Commissioner of Insurance would not approve a group policy for the State Bar Association for this type of coverage on the grounds that the Bar Association had no insurable interest in the practice of the members of the association. The committee was advised by the commissioner's office that the professional liability policy would have to be written on an individual rather than a group basis.

After comparing the policies and rates of the various companies which write this coverage, the committee recommended the policy of a particular company to the Board of Governors as the best available policy at the best rates and recommended that the board approve this policy and recommend it to the members of the association. The Board of Governors approved the recommendation of the committee at its meeting in New Orleans on April 11, 1959, and authorized the company to circularize the members of the State Bar Association regarding this professional liability policy.

The committee, with the assist-

ance of Mr. Miltenberger and Mr. Adams, its brokers of record, then concerned itself with the problem of choosing which of the many fine coverages available in group life insurance and group hospitalization, health, accident and disability insurance would be most appropriate to offer to our membership first. After thorough study and research it was determined that major medical expense insurance would fulfill the most pressing need of the majority of our membership. Major medical expense insurance is the most recent innovation in professional association group insurance and is currently being enthusiastically received by many bar associations throughout the country. Because it is a recent innovation, major medical expense insurance will not conflict in any way with existing programs. The main advantages of this protection which led to its selection by the committee are:

1. To alleviate the financial disaster which often accompanies a prolonged hospitalization due to sickness or accident.
2. To provide this protection at a nominal cost which can be secured because of the mass purchasing power of the Bar Association.
3. To insure control of the company's policy by the Bar Association through the issuance of a master policy by the company to the bar association.

The committee, with the assistance of the brokers of record, drafted a set of carefully prepared specifications on the major medical coverage and sent these specifications to some 38 responsible insur-

ance carriers for bids. The specifications provided for benefits up to \$10,000.00 for every member of an attorney's family for each separate accident or sickness, with either \$250.00 or \$500.00 deductibles. Expenses would be paid while hospitalized or home confined, or even while actively practicing law. The companies were asked to give the bar association a schedule of the company's retention and reserves which would guarantee the participating members that they would be insured under a true professional association group contract under which any excess premium would be returnable to the bar association for use solely for the benefit of the members participating in the plan.

The committee received bids from the various carriers at its meeting in Alexandria on March 28th. The committee selected what it considered the successful bidder

and recommended to the Board of Governors that this company's plan be approved by the board and recommended to the members of the State Bar Association.

At its meeting in New Orleans on February 11th, the Board of Governors of the Louisiana State Bar Association unanimously approved and endorsed the plan recommended by the insurance committee.

#### **SHREVEPORT LEGAL SECRETARIES MEET**

Fifty-six legal secretaries recently met for dinner in Shreveport. They were addressed by *Dixon Carroll*, president of the local bar, and they elected *Mrs. Grace Zeigler* their president, *Mrs. Arlene Holley*, vice-president, *Mrs. Ila Valentine*, recording secretary, *Mrs. Margaret Shipp*, corresponding secretary, *Miss Elizabeth Moody*, treasurer, and *Mrs. Margaret Downs* as NALS representative.

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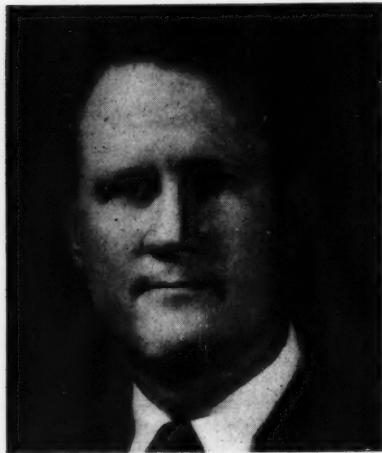
## Meet Your Board of Governors . . .

*Harry R. Nelson* is in his second year on the Board as the representative of the Fourth Congressional District.

Mr. Nelson received his secondary education at Minden High School, and attended LSU where he received a BS degree in commerce, and in 1942, his LLB.

Upon his graduation from law school, he went on active duty, first attending the Judge Advocate General School at the University of Michigan. Thereafter he served his tour of duty as an Assistant Staff Judge Advocate until 1946. He added to his military experience by serving an additional seventeen months in Korea during that conflict. He holds the rank of Lt. Colonel, AFRes, (JAG).

With the exception for time out for Korean service, Mr. Nelson has practiced law in Shreveport since 1946.



HARRY R. NELSON

He is a member of Phi Delta Phi legal fraternity and Sigma Nu social fraternity. He also holds mem-

bership in the Ark-La-Tex Tax Institute, Shreveport, Louisiana State and American Bar Associations. Additionally, he is a member of the Shreveport Chamber of Commerce, the Petroleum Club of Shreveport, The Shreveport Club, Shreveport Country Club and the Shreveport Yacht Club. He is active in the American Legion and the Forty and Eight. He is serving on the executive council of the Norwela Council of Boy Scouts of America, is chairman of the Board of Management, Central Branch, Y.M.C.A., and is a member of the Official Board of the First Methodist Church in Shreveport.

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*Donald Labbe* is the representative from the Third Congressional District, and is in his second year on the Board.

He received his BA degree from the old St. Charles College at Grand Coteau, and studied law at Georgetown University, Washington, D.C., which awarded him the degree of LLB in 1922. Subsequently, Mr. Labbe studied Louisiana law at Loyola University in New Orleans, and he passed his bar examination and was admitted to practice in Louisiana in December, 1923.

Mr. Labbe practices in Lafayette, and is a partner in the firm of Voorhies, Labbe, Voorhies, Fontenot & Leonard, which is the successor firm to Voorhies and Labbe, first formed in 1923. The present offices of the firm are in the same location as when founded.

A former president of the Lafayette Rotary Club, Mr. Labbe has also served on the Board of Directors of the Chamber of Com-



DONALD LABBE

merce. He is a Fourth Degree member of the Knights of Columbus, which he has served as Grand Knight and as District Deputy for several years. He belongs to several other civic and patriotic organizations.

In addition to his civic activities, Mr. Labbe has been active in state politics, serving six years in the Senate, representing the Fifteenth Senatorial District composed of the Parishes of Lafayette, Iberia and St. Martin.

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*William T. Holloway* serves the Fifth Congressional District as its representative on the Board.

Mr. Holloway is an Arkansan, but received his secondary education at Jonesboro High School, studied prelaw at Louisiana Polytechnic Institute at Ruston, and took his LLB from LSU in 1933.

After graduation he began the active practice of law in Jonesboro, where he still practices with

the firm of Holloway and Baker.

Mr. Holloway has been active in bar association work. He organized the first Jackson Parish Bar Association. He was elected to the LSBA House of Delegates from the Second Judicial District, and resigned when he was elected to the Board of Governors, on which he is now serving his second year. In addition to membership in the LSBA, he holds membership in the Jackson Parish and American Bar Associations.

Mr. Holloway has served as district judge of his district, filling an unexpired term. He is now in his second term as a member of the State Democratic Central Committee from Jackson Parish.

He has held membership in the Jonesboro-Hodge Lions Club for twenty-four years and has held all of the offices in the club at one time or another. He was also a member of the Jackson Parish Fair Association for many years.



WILLIAM T. HOLLOWAY



## HEARD AROUND THE DISTRICTS

### Law Firm Announcements

*Watson and Williams* announce that *Jack O. Brittain* has become a member of the firm, which will be known as *Watson, Williams and Brittain*, Natchitoches. Because of the passing of *Alvin O. King*, the firm of *King, Anderson and Swift* has been changed to *Anderson, Swift, Hall, Raggio and Farrar*, in Lake Charles. *Talley and Anthony*, Bogalusa, announce that *Charles M. Hughes* is now a member of the firm, which will be named *Talley, Anthony and Hughes*.

### LACCA Elects

*Ed Nichols*, Lake Charles, was elected president of LACCA. *A. B. Parker*, Jena, was named vice-president, and *Clem Drewett*, Lake Charles, was elected secretary-treasurer.

### Kudos and Appointments

*G. Dupre Litton*, Baton Rouge, has been appointed chairman of the judicial and legislative committee of the 1959 Greater Baton Rouge Safety Conference. *John H. Tucker, Jr.* has been awarded an honorary Doctor of Laws degree by Tulane. *Harry Garland*, Opelousas, has been named president of the Louisiana Elks Association. *Stephen A. Mascaro*, assistant secretary of the LSBA, who not long ago rounded out fifty years service with the association, has recently celebrated his fiftieth wedding anniversary.

### 30th Judicial District Bar Elects

*W. R. Jackson, Jr.*, Leesville, was recently elected president of the Thirtieth Judicial District Bar Association. Also named were *L. H.*

*Coltharp, Jr.*, DeRidder, vice-president, *Harold J. Thodes*, Leesville, secretary-treasurer, and as directors, *Ted R. Broyles*, Leesville, and *William C. Pegues, III*, DeRidder.

### Union Parish Attorneys Organize

Attorneys in Union Parish recently met with the purpose of organizing a permanent bar association composed of members of the profession practicing in that parish.

### Jefferson Parish Bar Association

#### Elects

At a meeting in May, the Jefferson bar elected *A. J. Graffagnino*, Metairie, president, and named *Harold Buchler*, Metairie, first vice-president, *Nat B. Knight*, Gretna, second vice-president, *Louis G. DeSonier*, Metairie, secretary-treasurer; *Neal Legendre*, Kenner, and *Robert Broussard*, Gretna, were elected executive committeemen. The association held its annual banquet in June.

### Avoyelles Bar Elects

*Charles M. Gremillion*, Bunkie, was named president, *Marc Dupuy, Jr.*, Marksville, vice-president, and *Harold J. Brouillette*, Marksville, secretary-treasurer, of the Avoyelles Bar Association at a recent meeting of the group.

### Mouser Heads 28th Judicial District Bar

At a meeting in June, the 28th Judicial District Bar Association elected *V. M. Mouser*, Columbia, president. Also named were *Speedy O. Long*, vice-president, and *Mrs. Elodie K. Parker*, Jena, secretary-treasurer.



## COMMITTEE AND SECTION REPORTS

### COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW

The 1958-1959 Committee on the Unauthorized Practice of Law was composed of the following persons with James H. Drury as Chairman:

Donald J. Tate, New Orleans.

John R. Pleasant, Shreveport.

Robert T. Farr, Monroe.

Lamar Polk, Alexandria.

Walter G. Arnette, Jennings.

G. William Swift, Jr., Lake Charles.

T. L. Horne, Jr., Franklin.

W. Ford Reese, New Orleans.

A. J. Waechter, Jr., New Orleans.

Iddo Pittman, Jr., Hammond.

James H. Drury, New Orleans.

The Honorable C. Paul Phelps of Ponchatoula was originally on the committee but unfortunately Mr. Phelps died during the year. The members of the committee miss the zeal and fervor Mr. Phelps furnished in the meetings and the discussions.

The committee held three meetings during the year, all at New Orleans.

\* \* \*

**The First Meeting** was June 21, 1958. At that meeting the question of a law school student against whom a complaint had been

made that he had performed services which were restricted to the members of the legal profession in making an adjustment under the direction of a practicing attorney, was discussed. There was no question but that this was a violation, however this man subsequently became licensed as a practicing attorney in the State of Louisiana and it was decided that no action would be taken against him.

The question of C. P. Hilliard of Lafayette, in his holding out to the public that he was an attorney whereas actually he was not, was discussed, and Mr. Hilliard subsequently agreed to desist from indicating on his stationery that he was an attorney and the matter was then dropped. (Mr. Hilliard was licensed to practice law in another state).

A complaint was made relative to Southern Farm Bureau Casualty Insurance Company and an adjuster, Clinton Hayes. The matter was discussed by the committee and referred to the Executive Counsel for further investigation.

There was also discussed the question of a member of the state bar who had been certified to the Supreme Court as being ineligible to practice because he had not paid his dues but who had nevertheless filed some pleadings during his period of ineligibility. It was subsequently learned that shortly thereafter the dues had been paid

and the matter against this attorney, therefore, became moot.

A complaint against Kellner & Patt, Certified Public Accountants of Lafayette, was made in regard to the drafting of documents. A cease and desist letter was written to these CPAs and they advised under date of August 13, 1958 that they would comply with the terms of the cease and desist letters. There have been no further complaints since receiving their letter of August 13, 1958.

### **"Package Deals"**

An inquiry was made concerning whether or not a Baton Rouge firm of consulting engineers was engaged in the unauthorized practice of law in what is known commonly as "packaging" of both engineering and legal services in proposals. This was discussed and it was concluded that if this firm was guilty of incorporating the furnishing of legal services along with engineering services and other services in a package deal proposal to one of their customers, that they would be guilty of unauthorized practice of law and that the necessary action would be taken. This has been a common practice not only in Louisiana but in other states in the past and we believe that the publicity that has been given in connection with package deals has now been brought to the attention of the public and there seems to be less of this attempt at unauthorized practice than there was in the past.

The question of the statement of principles for independent insurance adjusters was brought up, this being a very prominent, perennial question in regard to unauthorized

practice. It was decided that your committee would work with the American Bar Association committee in this connection, which was very active on this subject, in an effort to coordinate a statement of principles in respect to independent insurance adjusters. This is a problem that cannot be solved in a matter of a short time. Most attorneys have not stopped to analyze this problem and to see that the actions of certain independent adjusters in the state are clearly and plainly the practice of law in open violation of the unauthorized practice statutes and to the detriment of both the public and the legal profession. The difficulty could probably best be solved either with legislation requiring licensing of insurance adjusting and/or the working out of a statement of principles between that group and the bar association.

The question of the advertising of a bank in Louisiana was brought up for consideration and it was suggested that since this particular bank obviously was in good faith that a rewording of the advertisement could be worked out to avoid any possible question as to anything that would be misleading as to unauthorized practice. As a whole, the banks in Louisiana, at least to the knowledge of your committee, had cooperated thoroughly with the bar association in regard to their advertisements.

In this connection we quote the wording of an advertisement sent out by one of the banks in Louisiana, which strikingly shows the interest of at least that particular bank in cooperating with the bar. We believe that this same feeling is prevalent throughout the state.

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**"There is one 'Gilt-edge' investment that this Bank is always glad to recommend — YOUR ATTORNEY'S reasonable fee for drawing your will.**

**"YOUR ATTORNEY has spent years of his life studying and practicing law. His fee is an investment in legal competence, in peace of mind for you, and—most important of all—in your family's future security.**

**"Don't take chances with the welfare of those nearest and dearest to you. Don't try to draw your own will, or change it. See YOUR ATTORNEY. He is ready, willing and able to help you."**

After the June meeting, it was brought to the attention of the Committee that the following ad was being run in the classified section of a local newspaper:

(This is a simulated ad.)

#### **"PIPELINE EXTRA**

Land owners believing constitutional rights are abridged by oil companies through defective state statutes are urged to refuse unreasonable settlements until matter is adjudicated in U.S. courts. Negotiate only through us. **LAND RIGHT PROTECTORS**. 401 Pan American Bldg."

Your Executive Counsel, Mr. W. W. Thimmesch, undertook the investigation of this matter and it was found that the individual placing the ad had apparently placed the ad in good faith. Upon it being called to his attention, he discontinued the running of the ad and agreed that he would desist from any such action in the future.

A complaint was made by a New Orleans attorney against an individual located in an area adjacent to New Orleans who had written to the attorney, who concluded that there was a justified complaint of unauthorized practice of law. The committee chairman wrote to this individual, who listed on his stationery "accounting and auditing" and it was called to his attention that there may have been a question as to his intent and there possibly was no violation of the statutes but if he was holding himself out in any way to represent anyone, then he would be in violation of the unauthorized practice of law statutes. This individual assured his cooperation in the future and that matter was concluded.

A complaint was made against National Credit and Collection Agency of Monroe. The committee was circularized and the committee was of the belief that this collection agency was in violation of the unauthorized practice of law statutes in regard to its addressing a letter of demand to a debtor, and a copy of L.R.S. 37:213 was sent to the concern and they were advised that if they continued in violation of the statute that the matter would have to be referred to the proper authority for necessary legal action.

A complaint was made by a member of the bar of an attempt on the part of Atlas Sewing Centers, Inc. of Baton Rouge, La. in regard to simulated process forms, which had been sent to a debtor by the collection manager of Atlas Sewing Centers, Inc.

A letter was written to the Atlas Sewing Centers, Inc. on October 10,

1958 asking them to desist from the use of these forms. The said corporation advised the chairman that the use of these forms was discontinued.

A complaint was made by a member of the bar in regard to an ad appearing in the Wall Street Journal under date of September 29, 1958 by Pan-American Consultants, which ad was as follows:

(This is a simulated ad.)

**"PAN AMERICAN  
CONSULTANTS**

Legal — Management — Geology  
Specializing in oil and gas  
throughout  
Central and South America  
900 Maryland Casualty Bldg.  
New Orleans, La.  
Ambar Motor Bldg.  
Havana, Cuba"

This was referred to the Executive Counsel and it was brought to their attention that such practice should cease.

\* \* \*

**The Next Meeting** of the committee was held in New Orleans on December 6, 1958. There was a general discussion of the problems involved in working out statements of principles with engineers, accountants and adjusters relative to activities by their members constituting unauthorized practice of law.

The question of Porter, Barry & Associates and an alleged packaging deal with the Ascension Parish Police Jury was discussed. Letters calling attention to the possible

violation of the unauthorized practice of law statutes were written in this connection.

The question of a complaint concerning what is known as the "Bureau of Analysis" of Davenport, Iowa, being engaged in Louisiana in what was believed by a member of the bar to be the unauthorized practice of law, was discussed. This concerned apparently soliciting wealthy individuals to place in their hands tax planning and estate planning problems. It was reported that this firm, without fee, would undertake to make an analysis of the individual's affairs to see what suggestions could be made and if the firm believed that a tax savings suggestion could be made, they would then attempt to secure a contract. It is understood that the minimum contract in which the firm would be interested would provide for a \$5,000.00 retainer plus \$500.00 per year for annual reports for a period of four years, with the fees ranging upwards from that amount. It was understood that this firm, in order to avoid being engaged in the unauthorized practice of law, urged its "client" to consult his attorney and to have a client's will and other documents prepared by a client's attorney and that they would review the documents as prepared by the client's attorney.

This matter was discussed and it was decided that more information would have to be obtained. Later it was ascertained that the American Bar Association's Standing Committee on Unauthorized Practice of Law was also investigating this particular firm and said investigations were understood as still being un-

dertaken and your committee has been cooperating with the American Bar Association. The matter is still under investigation by the Executive Counsel.

The question of the insertion of warnings of unauthorized practice on forms printed and sold by stationers as used in Texas was discussed and it was decided that unless there was a specific complaint this committee should not go to the expense or trouble of having stationers in Louisiana contacted because of the enormous and expensive task that this would entail.

A question relative to the Tax Barometer running ads in the Louisiana Bar Journal was discussed and it was concluded that the proposed ads were proper.

A discussion was had in regard to the opinion of the Attorney General of the State of Louisiana re: Certified Public Accountant examinations on commercial law but no formal action was taken.

The question of Bourgeois, Russell & Company of New Orleans, CPAs, which had previously been investigated by the Executive Counsel, was briefly discussed and in view of the fact that a letter had been written to Bourgeois, Russell & Company requesting the cooperation of Bourgeois, Russell & Company and since there were no further complaints, the matter was considered closed.

In the report of this committee made to the Louisiana State Bar Association in April, 1958, references were made to Maunsel W. Hickey, an attorney, in connection with the firm of Bourgeois, Russell & Company, Certified Public Ac-

countants. This committee has since been advised that Mr. Hickey is not a full-time employee of Bourgeois, Russell & Company but that he is a member of that firm of Certified Public Accountants and that he also is practicing law independently.

The question of the complaints against Reliable Motorists Association, which was discussed in the report of this committee of last year, was again discussed and it was subsequently ascertained that criminal charges have been accepted by the District Attorney for the Parish of Orleans against said corporation and against John W. Grose, an adjuster for said corporation, in regard to the activities of Grose as to the violation of the Unauthorized Practice of Law Statutes. The Executive Committee of the Louisiana State Bar Association had given approval of referring this flagrant violation to the District Attorney's office and through the continued efforts of the Executive Counsel and the cooperation of the District Attorney the charges were accepted and the matter is now awaiting trial.

A complaint had been made against the Southern Farm Bureau by a member of the bar in the State of Louisiana and the Southern Farm Bureau subsequently agreed to cooperate with this committee in regard to the unauthorized practice of law.

A question arose as to Allied Continental Auto Association of Texas, Inc., which had a provision in its contract that the Allied Continental Auto Association reserved the right to approve selection of a

member's attorney and without such approval the association would not be obliged to render any benefit of service as set out. It was agreed that the chairman should advise the attorney for the Allied, who had made the request, no complaint having been made in this instance, that if the objectional wording was deleted or changed in accordance with the laws of the State of Louisiana on unauthorized practice, that that would be satisfactory.

At the December meeting of the House of Delegates in Monroe, Mr. W. G. Arnette, a member of this committee, prepared the following remarks which were read to the members of the House of Delegates at their mid-winter meeting at Monroe:

"To the Members of the House of Delegates:

"I regret very much that because of a prior commitment I am unable to be present today. However, Mr. Drury, chairman of the Unauthorized Practice of Law Committee, has kindly consented to read these brief remarks to you on a subject which, in my opinion, is of the utmost importance to the practitioners of this state.

It has come to the attention of the Unauthorized Practice Committee, of which I am a member, that independent adjusters are representing various insurance companies in negotiating and settling legal matters with unrepresented claimants, as well as with attorneys.

Our firm has almost no plaintiffs practice and, according-

ly, I was not aware of this open and flagrant violation of our unauthorized practice of law statute until recently. An investigation of our area disclosed that this practice is rampant and has undergone a staggering and incredible growth.

Most attorneys, when questioned, in Southwest Louisiana reported that they had not realized a violation of law was involved. This is obviously due to the failure to give the matter any consideration, for there is a very distinct difference between a full-time employee of an insurance company negotiating a settlement of a claim out of court and an independent adjuster negotiating a settlement, for he is acting in a representative capacity concerning a legal matter.

"That this practice on the part of independent adjusters is in flagrant violation of the unauthorized practice of law statute, is in my opinion not subject to debate. Accordingly, we should take immediate and vigorous steps to put an end to this violation of positive law, not only for the protection of our fellow attorneys, who have spent years of study and expense to become qualified, but for the protection of the public as well.

If it had not been for several independent adjustments and settlements during my early practice, I seriously doubt that I could have continued, purely and simply from a financial standpoint. I could point out

to you several outstanding attorneys in Southwest Louisiana who got their start as adjusters on an independent basis, and I am certain that you present today could do likewise.

We all know that doctors of this State leave no stone unturned to prevent unauthorized practice of medicine. They employ investigators, highly trained attorneys and spend limitless amounts of money to prevent any violation. It is also a matter of common knowledge that even barbers take whatever steps are necessary to prevent an unlicensed barber from operating.

I urge you to give this matter your favorable consideration and to authorize the Board of Governors to take whatever remedial action they deem necessary to put an end to this growing cancer.

Thanking you for your attention, I am

Sincerely yours,

(s) W. G. Arnette

\* \* \*

**The Last Meeting** of your committee was held on April 4th, 1959 in New Orleans. The committee discussed a statement of principles adopted by the committee of the Indiana State Bar Association in cooperation with accountants and it was suggested that, just as in the case of insurance adjusters, ultimately a statement of principles should be worked out between the CPAs in Louisiana and the bar association.

A complaint was made by an attorney in Baton Rouge concerning the Louisiana Detective Agency of Baton Rouge, concerning a collection letter they had written in January of 1958 relative to the General Placement Service, who apparently was being represented by the Louisiana Detective Agency. A cease and desist letter was written, the statute was called to the attention of the agency, who acknowledged a letter written to the agency on February 6, 1959 which at least constituted an implied agreement to cease and desist.

A complaint had been made by a member of the bar against the Hartford Accident and Indemnity Company in regard to the following wording placed on loan receipts:

**"REQUEST TO EMPLOY  
COUNSEL**

*The undersigned, having suffered a property loss of \$\_\_\_\_\_ in excess of the \$\_\_\_\_\_ named in the foregoing loan receipt, does hereby request the said insurance company to employ counsel for and on \_\_\_\_\_ behalf, to effect recovery thereof, only, however, in the event that said insurance company employs counsel on its own behalf. It being herein agreed, that, in event of recovery the net proceeds thereof (after payment of costs and attorneys fees) shall be apportioned between the undersigned and the said insurance company as the interest of each herein appears."*

We discussed this matter with the Hartford's claims manager in

New Orleans and he advised that this was an old form that had already been discontinued and he was taking steps to see that any similar forms with this wording still outstanding would be destroyed. The Hartford company readily agreed to cooperate in this connection and the matter was concluded.

The Honorable Richard F. Fulton, an attorney for the Department of Revenue, State of Louisiana, brought to the attention of the committee several instances where certified public accountants had appeared before the Department of Revenue on petitions as "counsel for petitioner" on behalf of taxpayers. Mr. Fulton appeared before this committee and outlined several instances where similar violations had taken place and advised that it was his practice to file exceptions as to proper representations where the individual purporting to represent a taxpayer was not a licensed attorney and that this was getting results because subsequently attorneys did appear on behalf of the taxpayer instead of individuals who were non-attorneys.

The question of simulated process forms was again brought up, this time by a member of the bar from Hammond, and it was concluded that the use of these forms, as had been done in the past, was a violation of the unauthorized practice of law statute. A letter was addressed to the attorney making the inquiry to this effect.

The question of the advertisement of H. R. Block, Inc., in newspapers in the state, was brought up for discussion. This is in regard to

advertisements relative to income taxes. This was referred to the Executive Counsel for investigation because of the wording in the ad:

(This is a simulated ad.)

**"If your return is audited we will appear with you at the audit without cost to you in this district."**

There was a general discussion at this last meeting concerning the problems, not only with working out statements of principles in connection with accountants, insurance adjusters, engineers and other similar professions, but also the question of whether or not labor unions, banks, homesteads, investigators, professional people and individuals in official capacities were engaging in unauthorized practice of law in the solicitation of representation of cases for attorneys, that is the channeling of business to specific attorneys.

It is suggested to the committee to be appointed for the year 1959-60 that this problem be discussed thoroughly in an effort to obtain possible legislative action relative to the licensing of independent insurance adjusters, that is the State having some control over them other than just by the unauthorized practice of law statute and that this committee cooperate with other committees of the bar association relative to the curtailment of channeling of legal business by various groups and individuals.

A question concerning Allied Group Service, Inc., of Shreveport and whether or not it was engaged in the unauthorized practice of law was discussed but tabled for later action because of the fact that one

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of the members of the committee who has been investigating this matter at Shreveport was unable to attend the last meeting. The Allied Group Service, Inc., had been contacted by Mr. Pleasant and a written letter of explanation was sent to him outlining the development of this corporation, in connection, primarily, with the pulpwood operators in the northern part of the state. A further report will be made in connection with this by your next committee after further investigation and discussion.

\* \* \*

**The Above** particular items do not represent all of the items on which complaints were made or action was taken either by the committee or the Executive Counsel, but these are being presented to indicate the considerations and actions of this committee during the past year.

Your chairman wishes to take this opportunity to thank all of the members of this committee who have given so much of their time, interest and thought to the problems presented during the year.

In conclusion, we wish to state that the bar of Louisiana is particularly fortunate in having Mr. Wieck W. Thimmesch in the capacity of Executive Counsel. He has been most cooperative, enterprising and zealous in regard to the subject of unauthorized practices of law.

Although it is repetitious from what was contained in our report of last year, as we see it, the way that unauthorized practice of law can best be combatted is by the zeal and enterprise not only of the

Executive Counsel, not only by the Committee on the Unauthorized Practice of Law, or the officers of the association, but by the interest and zeal of the bar of Louisiana as a whole. To speak frankly, the unauthorized practice of law by individuals who are not licensed attorneys hurts the public and the attorneys as well. It hurts the public because it does not have the benefit of the advice of trained, experienced counsel and often those engaging in unauthorized practice of law can get the public in trouble that can be embarrassing and expensive. In addition the unauthorized practice of law hurts the bar of Louisiana as well, particularly in regard to cutting into the income of attorneys. The bar itself must be alert as to infractions of our laws and unauthorized practices of law by individuals as well as by corporations and other groups. The members of the bar themselves should constantly be on the alert for instances of unauthorized practice and infractions of our law in regard to unauthorized practice and if they are alert they should not be afraid to report infractions no matter how small to either the Committee on Unauthorized Practice or to the Executive Counsel so that proper action can be taken to stop unauthorized practices. In some instances, where there is a minor offense, a simple letter or a simple conference can stop the practice. In some instances injunctions or criminal action will be necessary, depending on the severity of the infraction.

The best publicity that can be given towards combatting unauthorized practices is through the members of the bar themselves and

they should have the subject constantly brought before them so that they, that is the bar itself, can constantly be on guard against each unauthorized practice, and if the bar is kept constantly aware of the danger of unauthorized practices, both to the public and to the bar itself, they themselves, as a whole, can and should be alerted so that whenever there are abuses they can be stopped in short order.

JAMES H. DRURY,  
Chairman

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### COMMITTEE ON PUBLIC RELATIONS

It is my privilege, as Chairman of the Committee on Public Relations, to submit this report for the year, 1958-59.

The work of your committee was closely associated with the planning and activities undertaken during the year on the recommendation and guidance of our public relations counselor, Mr. Horace Renegar. It would seem appropriate to review and evaluate our efforts by reviewing the principal categories in which we have worked together.

These were:

1. Public relations planning.
2. Public relations counseling.
3. Public information through the press, radio and television.
4. Public relations activities within the bar association.

\* \* \*

**Planning:** Last summer, the public Relations Committee and your

counselor considered and agreed upon several basic emphases that we should keep at the forefront in our thinking, and upon general procedural lines that we should follow.

We defined the purposes that we felt should be our principal guides. These are:

- ... To gain a better public understanding of the legal system and of the traditions of the law;
- ... To emphasize the many important individual and public interest services that lawyers provide;
- ... To communicate useful informational and educational data and ideas to the bar association membership.

It is our opinion that if the association effectively and continuously conducts its public relations program to achievement of these goals, it will need do no more. These objectives are large enough, yet sufficiently specific, to justify our best efforts, individually and collectively.

Any degree of success in this type of program will be dependent on the affirmative public relations thinking of all of the officers, committee chairmen, committeemen, and by as large a number of members as may be oriented to help implement the program. This cumulative effort and leadership will effect a constant improvement in the lawyer's influence on society, with the resultant strengthening of the "image" of the lawyer, both in professional and personal esteem.

This is not an unrealistic ideal, in our estimation; it is a practical goal toward which progress is now

being made. Your officers today are acting and planning with a keen consciousness of the public interest in the bar, careful to see that educational information is given so that people may understand our activities and the issues which may be involved in them.

In further reference to the plans which we made last summer, and which were approved by the Board of Governors, it should be noted that these studies led to the creation of a Planning and Implementation Committee for Public Relations. This committee is expected to meet once or twice a year. It includes representation from the various components of the bar association which have a direct committee interest in public relations. This new committee's interest and concern in many areas has already helped us to reach decisions to proceed or defer with some projects, and in one or two others to proceed but with caution.

\* \* \*

**Counseling:** The chairman of your Public Relations Committee, your Executive Counsel and the officers of the bar have, with the Public Relations Counselor, worked closely during the year in considering policies and actions as related to communications and other public relations aspects of our program. In many ways this is our most important function.

\* \* \*

**Public Information:** The news coverage, editorial interpretation, use of bar association prepared features, letters to editors, etc., have been most gratifying to this committee.

The press worked with us closely during the year. Some of the principal points of news coverage included the Sesquicentennial celebration of the Louisiana Civil Code; the dedication of the Supreme Court building, the bar's position on the amendment to expand the circuit courts of appeal system, the Mid-Winter bar meeting, the Board of Governors resolution on the Code of Ethics, the Law Day programs at both local and state level, the favorable position of Louisiana in regard to the dockets of the state trial courts, etcetera.

The clippings in the office of the Executive Counsel show the widespread editorials on many of these subjects. Radio and television also played an important part in news treatment, editorial comment, and documentary and dramatic understanding of many points of law.

Two new features for the press were added during the year in addition to our Law And You series. One was a public interest series of articles on such subjects as wills, divorce, etc., and the other is a column aimed at youth and the law.

\* \* \*

#### **Public Relations Within the Bar:**

At the beginning of the year, our program was set forth by you to all officers and committee chairmen, and subsequently to the entire membership.

More recently a specially prepared Public Relations Handbook for Lawyers, prepared especially by our association, was distributed to all members. This booklet was also sent to bar associations throughout the country and has

evoked considerable favorable comment.

Speakers from the bar association have ably represented the association and profession on numerous occasions during the year, the most recent being Law Day.

A significant sign of progress was the important place given public relations at our meetings during the year. Don Hyndman, chief public relations officer of the American Bar Association, spoke at our mid-winter meeting. J. Handly Wright, former president of Public Relations Society of America, was a principal speaker at our annual meeting.

\* \* \*

**Looking Ahead:** It is evident that the bar association has demonstrated its firm belief that public relations is an important long-range part of our overall program. The vision of many has contributed to this progressive posture.

In conclusion, let me say that your committee wishes to give full credit for this expanded public relations program to Mr. Renegar, who has served us for the past year as counselor. His wide experience

and understanding of problems peculiar to our profession have been of inestimable value.

Your questions and suggestions are invited since the committee appreciates fully that this report is no more than a brief overview of our activities.

Respectfully submitted,

THE COMMITTEE ON PUBLIC  
RELATIONS

Haynes L. Harkey, Jr.,  
Monroe

T. Haller Jackson, Jr.,  
Shreveport

James D. Johnson, Jr.,  
New Orleans

Arthur W. Macy,  
Hammond

Alfred A. Mansour,  
Alexandria

Douglas J. Nehrbass,  
Lafayette

Paul C. Tate,  
Mamou

John G. Weinmann,  
New Orleans

Bascom D. Talley, Jr.,  
Bogalusa, Chairman.

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LOUISIANA

## REPORT OF THE COMMITTEE ON REVISION OF APPELLATE JURISDICTION

The undersigned were designated as a special committee of the association to cooperate with the Judicial Council's committee working for the adoption of a comprehensive plan for the revision of the jurisdiction of the Supreme Court with changes in the intermediate appellate courts to handle the increased case load resulting from such jurisdictional changes. That plan is now a reality and its details will not be commented upon in this report as the work of the Judicial Council's committee is fully covered elsewhere in the program of the Annual Meeting.

Your committee rendered assistance during the Legislative consideration of the proposal for appellate revision by addressing a letter to the members of the Senate and House of Representatives of the State of Louisiana in support of the bill as proposed by the Judicial Council's committee and by personal appearances of representatives of the committee at the public hearing when the bill was considered in the Senate. In those appearances and statements your committee pointed out that the organized bar had given intensive consideration to the need for appellate revision and that the plan as proposed reflected the legal profession's combined judgment as to the best possible plan to meet the problems of the appellate courts in handling an ever-increasing volume of litigation. Your committee further stated to the Legislature:

"There has been no comprehensive action to revise the

structure of the appellate courts of Louisiana for 37 years and the judicial system of today, projected in the Constitution of 1921, is not adequate to cope with the current conditions.

"We are convinced, on the basis of the comprehensive studies made, that the Supreme Court is over-burdened; that part of its case load must be transferred to the Courts of Appeal; that the Courts of Appeal must be reorganized and expanded to be able to handle the adjustments in appellate jurisdiction that are required; and that the plan adopted and recommended by the Judicial Council of the Supreme Court is the most feasible and workable plan to solve these problems. The orderly, prompt and efficient administration of justice is of vital concern to all of the people of Louisiana.

"We believe that no major proposal for constitutional revision has ever received such extensive professional consideration. As the constituted committee of the Louisiana State Bar Association, we strongly recommend that you, the Legislature, take the necessary steps to submit the proposed constitutional amendment to the people of Louisiana."

The unified support of the legal profession of the proposed legislation assured its adoption. Though the legislature saw fit to make certain changes in details of the plan as originally proposed, its action in approving the plan in substance and the subsequent adoption of the

plan by the electorate of the State marks a significant accomplishment in the furtherance of needed improvement in the administration of justice.

Now that the constitutional amendment is a reality, there is indication that some statutory implementation will be required to insure orderly transition to the new system in July of 1960. This subject is on the active agenda of the Judicial Council for further study and may require consideration by an appropriate committee of this association. The committee, therefore, recommends that this matter be referred to the incoming President and Board of Governors of the association for such action as may be necessary in connection with the consideration of any such proposed legislation by this association and to the end that the efforts of this association be coordinated with the further study and work of the Judicial Council's committee on this subject.

### **Retirement Bill**

Improvement in the Retirement Plan for Judges: The 1958 report of this committee, under the chairmanship of Mr. Monte M. Lemann, contained the following recommendation:

“(2) As to the Retirement of Judges, our recommendations are shown in the draft of a proposed constitutional amendment to Section 8 of Article VII of the Constitution, of which a copy is attached. These recommendations provide for the compulsory retirement of every judge upon reaching the age of 70, and such retiring judge shall receive full pay if he has served

continuously for 15 years. If he has served less than 15 years, he shall receive that proportion of his pay which the time he has served bears to 15. Any judge now serving who is or becomes subject to compulsory retirement shall receive full pay, irrespective of time served. Any judge may retire voluntarily on reaching the age of 65. If he has served for 20 years, he shall receive full pay, and if he has served for less than 20 years, he shall receive that proportion of his pay which the time he has served bears to 20. Any judge may retire at any age if he has served continuously for 23 years, and shall then receive two-thirds of his pay. Any judge who becomes physically or mentally incapacitated shall be paid as in the case of voluntary retirement at the age of 65, irrespective of age at retirement, but in event less than two-thirds of his pay, upon the execution of a proper certificate showing disability as provided in the attached draft. Any retiring judge, except one who has been retired because of incapacity, may, with his consent, be assigned by the Supreme Court to sit as a judge of any court for a specified time, and under such rules and regulations as the Supreme Court may adopt. Any retired judge so assigned to active duty shall receive a salary equal to the salary of the judges of the court to which he is assigned, and be entitled to the same expense allowance. All other details are as shown in the attached draft of constitutional amendment.”

Your committee considered that it was under a mandate to present the proposed retirement bill to the

1958 Legislature and the bill was introduced in the Senate after approval by this association's legislative committee. Some opposition developed to the bill and it was not reported out of committee, even though amendments were proposed which would have raised the age for compulsory retirement at full pay to age 75 and would have altered the voluntary retirement proposal to optional retirement at age 70 based on 20 years of service.

Your committee believes that this is an important subject which should receive further consideration and study within the association. Some of the opposition to the bill in the 1958 Legislature may have been due to misunderstanding of its provisions. Other aspects of the opposition may require only minor modification to insure general acceptability. It is, therefore, recommended that this subject be called to the attention of the incoming President, the Board of Governors and the House of Delegates for such action as they may deem appropriate.

Respectfully submitted,

T. C. McLure, Jr., Alexandria

Monte M. Lemann,  
New Orleans

Donald Labbe, Lafayette

Richard E. Gerard,  
Lake Charles

Thomas W. Leigh, Monroe

Charles F. Fletchinger,  
New Orleans

Robert Roberts, Jr.,  
Shreveport

H. Payne Breazeale, Sr.,  
Baton Rouge

Joseph McCloskey,  
New Orleans

LeDoux R. Provosty,  
Alexandria

George Pugh, Baton Rouge

Claude B. Duval, Houma

Paul M. Hebert,  
Baton Rouge, *Chairman*

---

## REPORT OF THE SECTION ON INSURANCE LAW

A well-attended meeting of the Section on Insurance Law was held on May 22, 1959 in Biloxi. The principal speaker was Charles C. Scott of the Kansas City, Mo., bar, who is recognized as the outstanding photographic evidence and questioned documents expert in the country. He gave a one and a half hour illustrated lecture entitled "The Effective Preparation and Use of Photographs as Evidence." His presentation was technically flawless, impressive and interesting. However, the magnitude of his subjects and the quality and merit of his presentation were of such value to the bench and bar, that it is felt that he had insufficient time. With a more comprehensive program set up for him, he could present a four-hour illustrated lecture that would be of greater value to our membership. It is therefore recommended that serious consideration be given to inviting Mr. Scott to return to a future convention.

The section also held a business meeting on May 22, and adopted a resolution changing the name and purpose of the section. The resolution was unanimously adopted by the House of Delegates on May 23, and

has since been approved by the Board of Governors.

New Section officers elected at the meeting, are, Charles L. Mayer, Shreveport, chairman; Howard B. Gist, Alexandria, vice chairman, and Oliver P. Stockwell, Lake Charles, secretary.

CICERO C. SESSIONS  
Retiring Chairman

---

### REPORT OF THE JUNIOR BAR SECTION

The annual report of the Junior Bar Section for 1958-59 is hereby respectfully submitted.

Membership of the council: Thomas C. Wicker, Jr., New Orleans, Chairman; John W. Haygood, Shreveport, Vice-Chairman; Eugene W. McGehee, Baton Rouge, Secretary-Treasurer; Robert L. Kleinpeter, Baton Rouge, Past Chairman.

Frank J. Stich, Jr., New Orleans, first district.

James D. McGovern, Jr., New Orleans, second district.

J. Winston Fontenot, Lafayette, third district.

Jack H. Kaplan, Shreveport, fourth district.

Louis D. Smith, Monroe, fifth district.

Ellis C. Magee, Franklinton, sixth district.

Nathan A. Cormie, Lake Charles, seventh district.

James L. Womack, Winnfield, eighth district.

On Friday, April 25, 1958, the annual luncheon meeting of the Junior Bar Section was held at the Buena Vista Hotel, Biloxi, Missis-

sippi. At this meeting, the officers to serve during the ensuing year were elected.

Shortly thereafter, your chairman met with officers and former officials of the Junior Bar Section to map plans for the year. Various committees were appointed and a program of activities was agreed upon.

The first major activity of the year began on May 19, 1958 when Robert L. Kleinpeter, Baton Rouge, past chairman, was appointed chairman of the Committee on Revision of Appellate Jurisdiction. This activity extended through the early part of November. The other members of this committee appointed were Floyd J. Reed, New Orleans, Gene Lafitte, Lake Charles, Louis D. Smith, Monroe, Paul C. Tate, Mamou, Lawrence Donohoe, Jr., Lafayette, T. Haller Jackson, Jr., Shreveport and Donald Peltier, Thibodaux.

### Civic Speakers

Mr. Kleinpeter and members of his committee appeared before both Houses of the Louisiana Legislature in support of the constitutional amendment revising appellate jurisdiction. Windshield stickers supporting passage of the constitutional amendment were circulated throughout the state. Further, speakers were furnished by the Junior Bar Section in the larger cities to appear before civic and luncheon groups in behalf of said amendment. Indeed, Mr. Kleinpeter and his committee acted in accordance with the highest standards of the legal profession and the Junior Bar Section. Indicative of the appreciation of the Bench and Bar alike for these efforts was

the letter of Chief Justice Fournet praising the vigorous and competent manner in which this activity was handled.

On June 11, 1958, your chairman participated in the ceremonies of the newly admitted attorneys before the Louisiana Supreme Court. Again, the Chief Justice was very complimentary in his remarks about the Junior Bar Section.

On June 21, 1958, the first meeting of the Junior Bar Council for the new year was held. Present at this meeting were Wicker, Haygood, Stich, Smith, Fontenot, Magee and Cormie. Plans were reviewed for the year's activities and a great deal of enthusiasm displayed at that meeting.

In July, 1958, a committee composed of Messrs. Stich, Weinmann, Kleinpeter and your Chairman prepared an Award of Merit entry to submit in the competition of the Junior Bar Conference of the American Bar Association. Although our Junior Bar Section did not win this competition, we are very proud of the prior year's activities contained in our entry.

The annual meeting of the Junior Bar Conference of the American Bar Association commenced on August 21, 1958 at the Biltmore Hotel, Los Angeles, California. Representing our group at this meeting were John G. Weinmann, Donald J. Tate, Richard Knight and the Chairman. At this meeting, Mr. Weinmann was elected to the office of Clerk of the National Assembly, a very high honor. Indicative of the further contribution of the Junior Bar Section of our State to the Junior Bar Conference were the appointments of Pet-

er H. Beer, New Orleans, as Co-Chairman of the J.B.C. Pre-Law Orientation Committee and your Chairman as Vice-Chairman of the Traffic Courts Committee.

In August, the Chairman was contacted by Mr. Leon Sarpy, chairman of a committee studying the dates for this convention. Mr. Sarpy inquired whether the Junior Bar Section would be disposed to meet on any date and at any time other than the usual time of Friday at 1:00 o'clock p.m. After consulting with many Junior Bar members throughout the State, your chairman vigorously opposed any change in date or time. For many reasons it was felt that Friday, shortly after noon, was ideally suited for the Junior Bar Meeting, and that it would not be to our best interests to change. After considering the matter, Mr. Sarpy's committee informed me that it had decided not to change our dates.

On August 12, 1958, the Chairman, acting in behalf of the Junior Bar Section, sent a telegram to Senator Russell B. Long, urging his support of the Jenkins-Keogh Bill. The Junior Bar Conference of the A.B.A. requested our support, as did our State Bar Association. It was felt that the Jenkins-Keogh Bill was advantageous to young attorneys. A telegram was sent to Senator Long, since he was on the Senate Committee considering the matter.

During the months of September and October, Mr. Kleinpeter's Committee on Revision of Appellate Jurisdiction was extremely active throughout the state.

The Council of the Junior Bar Section held its second meeting of

the year in Baton Rouge on October 4, 1958. Attending this meeting were Messrs. Wicker, Haygood, McGehee, Kleinpeter, Smith, Cormie, Kaplan, Fontenot, Magee and Stich. At this meeting, the various activities of the Section were reviewed and plans were inaugurated for the Mid-Winter Meeting in Monroe. Following the meeting, Mr. and Mrs. Kleinpeter entertained the members of the Council and their wives at a cocktail party at their home. A photograph of the members attending this meeting appeared in the November issue of the Louisiana Bar Journal.

On Sunday, October 12, 1958, the members of the Junior Bar acted as marshals in the Dedication Ceremonies of the New Supreme Court Building.

Further, during this month, the Junior Bar Section was honored by having its members selected to be the active pall bearers at the funeral of Associate Justice Harold A. Moise. Justice Moise was carried to his grave by young attorneys — a group he dearly loved. Indeed, the Junior Bar Section lost a great friend with his passing.

At the suggestion of the President of the Louisiana State Bar Association, in November your Chairman nominated a committee of Junior Bar members to study ways and means of extending the services of the Louisiana State Law Library to members of the Bar throughout the State. The members of this committee were Messrs. Thomas J. Meunier, Chairman, T. Haller Jackson, Jr., Nathan A. Levy, Jr., Charles G. Merritt and D. W. Parker. This committee has been very active in seeking new

ways to assist the attorneys throughout the State by making more complete use of the facilities of the Louisiana State Law Library.

### New Representatives

On December 31, 1958, the terms of three of the representatives of Junior Bar on the Louisiana State Law Institute expired. Our representatives on the Institute prior to that date included George B. Hall, George W. Pugh, Jack C. Caldwell, Robert T. Jordan and the Chairman. Messrs. Caldwell and Jordan were not eligible to succeed themselves on the Institute, and in their places were nominated Robert L. Kleinpeter, Baton Rouge and J. Walter Ward, New Orleans. Since Dr. Pugh was eligible to succeed himself, he was nominated to do so. The members of the Junior Bar have contributed materially to the success of the Louisiana State Law Institute's program.

On Friday, January 23, 1959, at the Mid-Winter Meeting in Monroe, the Junior Bar Section presented a panel discussion entitled "Proposed Limitation of Appellate Review to Questions of Law in Our State Courts." The members of the panel were Judge H. W. Ayres, Shreveport, Thomas W. Davenport, Monroe, H. Alva Brumfield, Baton Rouge and Ralph N. Jackson, New Orleans. Moderator for the program was your Chairman.

On Saturday morning, January 24, 1959, the Junior Bar Section held its third meeting of the year. Attending this meeting were Messrs. Wicker, Haygood, Kleinpeter, Fontenot, Kaplan, Smith and Cormie. Immediately after the meeting, Mr. and Mrs. Louis D.

Smith were very gracious hosts of Council Members and their wives at a luncheon at their home. A photograph of members attending this meeting appeared in the May issue of the Louisiana Bar Journal.

During the months of February, March and April, your Chairman attended several meetings of the Board of Governors of the Louisiana State Bar Association. During his year on the Board of Governors, the Chairman attended all meetings held by that body.

On May 1, 1959, many members of the Junior Bar Section throughout the State participated in "Law Day — U.S.A." by making addresses before students and civic clubs.

On May 22, 1959 at noon, Chief Justice and Mrs. John B. Fournet will again be hosts at their annual cocktail party in honor of the Junior Bar members. Needless to say, the Junior Bar Section appreciates the friendship which Chief Justice and Mrs. Fournet have demonstrated toward us.

#### **Friend And Advisor**

We feel that we are fortunate in having Judge Albert Tate, Jr., Ville Platte, of the First Circuit Court of Appeals as our guest speaker this year. Judge Tate is

only a few years older than Junior Bar members, and has already earned the reputation of being one of the foremost jurists in our state. Further, Judge Tate has always been a close friend and advisor of the Junior Bar Section. His speech entitled "On Questions From the Bench" should attract wide interest.

Members of the Supreme Court and the Courts of Appeal, including those newly elected, will be the guests of the Junior Bar at its luncheon.

In conclusion, I greatly appreciate the confidence you demonstrated in me when you elected me as your Chairman. I have attempted to carry on in the manner established by past chairmen of this group. My year as Chairman was pleasant, interesting and stimulating. For this I am indebted to the officers, council members and others in the Junior Bar who have cooperated with me and assisted me so materially.

I congratulate the newly elected officers of this section, and extend to them my whole-hearted support during the coming year.

Respectfully submitted,

**THOMAS C. WICKER, JR.**  
Chairman

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## REPORT OF COMMITTEE ON OBITUARIES

Your Committee on obituaries regretfully reports that the following members of the Louisiana State Bar Association have died since the last annual meeting of the Association, held in Biloxi, Mississippi, April 26, 1958.

### MEMBERS OF THE JUDICIARY

HAROLD ALEXANDER MOISE

NEW ORLEANS

Associate Justice

Supreme Court State of Louisiana

Died, September 26, 1958

MICHEL PROVOSTY

NEW ORLEANS

Late Judge, Civil District Court

Parish of Orleans

Died, June 15, 1958

JOHN WILLIAMSON HAWTHORNE

ALEXANDRIA

Late Judge

Ninth Judicial District Court

Died, July 26, 1958

PERCY SAINT

NEW ORLEANS

Late Judge

Twenty-third Judicial District Court

Died, August 13, 1958

SEABORN LEE DIGBY

MONROE

Late Judge

Fourth Judicial District Court

Died, August 19, 1958

HENRY LEONARD HIMEL

CONVENT

Late Judge

Twenty-third Judicial Dist. Court

Died, August 31, 1958

JESSE FRANK MCINNIS

MINDEN

Late Judge

Twenty-sixth Judicial Dist. Court

Died, January 27, 1959

FRANK JOSEPH STICH

NEW ORLEANS

Judge, Civil District Court

Parish of Orleans

Died, February 17, 1959

### MEMBERS OF THE BAR

JOHN EDWARDS WINEGART

NEW ORLEANS

Died, October 10, 1957

WAYNE SOULE STOVALL

JONESBORO

Died, April 20, 1958

CLAUDE ELLENDER

HOUMA

Died, May 6, 1958

NICHOLAS CALLAN

NEW ORLEANS

Died, May 23, 1958

HENRY VINCENT MOSELEY

OPELOUSAS

Died, June 8, 1958

JOE LAYCOCK BRUNOT

BATON ROUGE

Died, June 13, 1958

WILLIAM WALTON McDONALD

LAFAYETTE

Died, June 24, 1958

EBB TYLER LAMKIN

MONROE

Died, June 27, 1958

GRIFFIN T. HAWKINS, II

LAKE CHARLES

Died, July 2, 1958

JOHN DABLING NIX

NEW ORLEANS

Died, July 2, 1958

WILLIAM GLASSELL WEEKS

NEW IBERIA

Died, July 7, 1958

JOSEPH NICOLOSI

PLAQUEMINE

Died, July 18, 1958

DALE FREDERICK KOONS

BATON ROUGE

Died, July 19, 1958

FREDERICK GRAY HUDSON, JR.

MONROE

Late President

Louisiana State Bar Association

Died, July 27, 1958

ROBERT BONNABEL LAWES

LAKE CHARLES

Died, August 27, 1958

EUGENE AUGUSTUS CONWAY

NEW ORLEANS

Died, September 25, 1958

CLEVELAND ANDREW BLANCHARD

DONALDSONVILLE

Died, October 26, 1958

LIONEL ADAMS

NEW ORLEANS

Died, October 26, 1958

MARCEL REMSON

NEW ORLEANS

Died, November 9, 1958

numbers  
ng of

JOHN RUTHERFORD LAND, JR.  
KENNER  
*Died, November 12, 1958*

EDWARD RIGHOR SCHOWALTER  
NEW ORLEANS — MEDELLIN, COLUMBIA  
*Died, November 12, 1958*

HARRY RENE CABRAL, SR.  
NEW ORLEANS  
*Died, November 16, 1958*

JOHN JULIUS DUTEL  
NEW ORLEANS  
*Died, November 22, 1958*

GEORGE CHARLES CONNOLLY, SR.  
NEW ORLEANS  
*Died, December 6, 1958*

LOUIS WILLIAM MCFAUL, JR.  
NEW ORLEANS  
*Died, December 15, 1958*

C. PAUL PHELPS  
PONCHATOULA  
*Died, December 25, 1958*

LOUIS ALEXANDER DAVILA  
NEW ORLEANS  
*Died, January 27, 1959*

CHARLES A. REYNARD  
BATON ROUGE  
*Faculty Member*  
*Died, February 2, 1959*

WALTER CARNOT VETSCH  
NEW ORLEANS  
*Died, February 26, 1959*

RICHARD PATRICK DEE, JR.  
NEW ORLEANS  
*Died, March 23, 1959*

CHARLES EDWARD DUNBAR, JR.  
NEW ORLEANS  
*Late President*  
*Louisiana State Bar Association*  
*Died, April 17, 1959*

JOHN W. ANTHONY, *Chairman*

## Secretary-Treasurer's Report 1958-1959

### Membership:

The membership of the Association, including members of the Judiciary, as of this date is \_\_\_\_\_

3800

Your financial statement for the fiscal year ending March 31, 1959 is as follows:

### Receipts:

#### Reserve Account:

Balance, April 1, 1958	97.57
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#### General Account:

Balance, April 1, 1958	44,124.71
Dues for years previous to 58-59	221.00
Dues for 1958-59	34,063.00
Dues for 1959-60 and subsequent years	47,786.00
	82,070.00

Penalties years previous to 1958-59	50.00
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Penalties 1958-59	125.00
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175.00

Admission to the Bar Fees	1,790.00
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July Bar Examination Fees	400.00
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March Bar Examination Fees	300.00
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2,490.00

Interest U.S. Treas. Bond 10,000.00	294.23
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Interest U.S. Savings Bonds 4,500.00	124.20
--------------------------------------	--------

418.43

United States of America 2 1/2% Treas. Bond of 1958, dated 7/1/52 due 6/15/58 No. 84605

10,000.00

To close surplus bank account Committee Continuing Professional Education, and transfer to Asso-

ciation Gen'l Bank A/C .....	420.76
Louisiana Formulary Royalties .....	389.92
<b>Total Balance and Receipts .....</b>	<b>140,088.82</b>

*Disbursements:*

*General Account:*

Salaries, Asst. Secy. and Assistants .....	13,735.77
1958 Annual Meeting — Regular A/C .....	2,736.55
(Expended previous to 4/1/58 \$403.18)	

1959 Annual Meeting — Regular A/C .....	838.21
	3,574.76

Committee on Bar Admissions, including

\$600.00 salary Asst. Secy. .....	1,092.16
Moving to New Quarters .....	264.71
Memorial Exercises, 1958 .....	149.06
Section Junior Bar .....	969.74
Section Mineral Law .....	248.97
Section International, Comparative & Military Law .....	93.40
Section Trust Estates, Probate & Immovable Property Law .....	147.08
Section Insurance .....	287.03
Committee Continuing Professional Education — prorated .....	324.54
Committee — American Citizenship .....	827.36
Economic Survey Legal Profession .....	1,772.38
Sesqui-Centennial Civil Code .....	1,204.46
Admiralty .....	44.37
Legislation .....	1,272.24
Legal Aid .....	82.19
Insurance — Special .....	416.00
Revision Appellate Jurisdiction .....	166.40
5th Cir. Ct. Judges Conference .....	112.65
Retirement Benefits .....	2.64
Impartial Testimony .....	2.15
	5,902.84

Judicial Council .....	163.13
Unauthorized Practice of Law Committee .....	310.94
Louisiana Formulary Annotated .....	893.52
Professional Ethics & Grievances Committee .....	2,000.00
Banks' Service charge .....	1.27
Secretary-Treasurer's Premium Bond .....	50.00

Stationery — Printing 58-59 .....	871.57
(Expended previous to April 1, '58 \$111.55)	

Stationery — Printing 59-60 .....	320.22
	1,191.79

Rent (International Building) .....	3,301.92
	10.55

Exchange on checks .....	737.90
	18.72

Amendements Articles of Incorporation & By-Laws .....	1,988.62
	1,024.64

Seventh La. Conference Local Bar Assns. .....	241.38
	430.42

Eighth La. Conference Local Bar Assns. .....	430.42
	1,024.64

Postage — General 1958-59 .....	964.64
(Expended previous to 4/1/58 \$134.68)	

Postage — General 1959-60 .....	60.00
	241.38

Telegrams & Telephone — General .....	430.42
	1,024.64

Telephones — office .....	1,024.64
	241.38

964.11	Board of Governors	1,434.82
	House of Delegates	1,708.63
088.82	Public Relations Committee	3,306.50
	News Letter	1,966.63
735.77	Louisiana Bar Journal	3,583.45
74.76	Public Relations Counsel	6,670.01
		15,526.59
92.16	Louisiana Bar Foundation	17.10
64.71	Executive Counsel — Salary	10,000.08
49.06	Secretary	3,345.00
69.74	Expenses	2,109.31
48.97		15,454.39
93.40	New Office equipment	2,669.25
47.08	President Expense	332.06
37.03	Office Supplies and Incidentals	2,803.17
24.54	Dedication Supreme Court Building	583.74
		3,341.91
2.84	Audit March 31, 1958	350.00
3.13	Purchase \$10,000.00 U.S. Treasury Bond dated 6/15/58 Due 2/15/65 Interest rate 2 1/2 %	9,874.43
0.94	Induction of Justice Walter B. Hamlin	401.87
3.52	Membership Inter-Am. Bar Association	100.00
0.00	Proposed canons Judicial Ethics	200.31
1.27	Nominations & Nominating Committee officers, Law Schools, & Institute	555.88
0.00	Elections: Nominating Committee, House of Delegates, Bd. of Governors	1,735.20
		2,291.08
1.79	Total Disbursements Gen'l A/C	92,857.30
.92	Balances in Banks March 31, 1959	
.55	General Account	47,231.52
.90	Reserve Account	97.57
.72		47,329.09
.62	U.S. Savings Bonds Series "K"	4,500.00
.64	U.S. 2 1/2 % Treas. Bond due '65	10,000.00
.38		14,500.00
.42	Petty Cash	15.00
		61,844.09

*Banks' Balances:*

National American	4,154.72
Whitney City Branch	15,484.42
Hibernia Civic Center office	12,325.75
National Bank of Commerce	15,364.20
	47,329.09
Total 1958-1959 Dues collected	
Previous to April 1, 1958	39,984.00
Subsequent to April 1, 1958	34,063.00
	74,047.00

Actual Receipts 1958-59	77,470.35
Actual Expenses 1958-59	82,457.46
Expenses 58-59 over receipts	4,987.11
Special Annual meeting account	
Balance in Bank March 31, '59	3,643.64

A detailed statement for the year, of which this is a condensed statement, is available.

The books of the Association have been audited by Edward J. deVerges, Certified Public Accountant, which audit is also available.

Respectfully submitted,

MICHAEL J. MOLONY, JR.  
Secretary-Treasurer

## Louisiana State Bar Association

### Section Officers — 1959-60

#### Junior Bar

John W. Haygood, *Chairman,  
Shreveport*  
William D. Brown, III, *Vice-chairman,  
Monroe*  
Curtis R. Boisfontaine, *Secretary  
New Orleans*

#### Insurance Law

Charles L. Mayer, *Chairman,  
Shreveport*  
Howard B. Gist, Jr., *Vice-chairman,  
Alexandria*  
Oliver P. Stockwell, *Secretary  
Lake Charles*

#### International, Comparative, & Military Law

Augusto P. Miceli, *Chairman  
New Orleans*  
Paul M. Hebert, *Vice-chairman,  
Baton Rouge*  
James I. McCain, *Secretary  
New Orleans*

#### Labor Relations

Wilfred H. Boudreaux, Jr., *Chairman,  
New Orleans*  
Fred J. Cassibry, *Vice-chairman,  
New Orleans*  
Fred Sievert, *Secretary  
Lake Charles*

#### Trust Estates, Probate

#### & Immovable Property Law

J. A. Dykes, *Chairman  
Shreveport*  
Alvin B. Rubin, *Vice-chairman,  
Baton Rouge*  
Cecil Ramey, *Secretary  
Shreveport*

#### Local Bar Organizations

William R. Jackson, Jr., *Chairman  
Leesville*  
R. W. Farrar, *Vice-chairman,  
Lake Charles*  
George B. Hall, *Secretary  
Alexandria*

#### Taxation

Edw. B. Benjamin, Jr., *Chairman,  
New Orleans*  
Thomas Harrell, *Vice-chairman  
Shreveport*  
Rufus Harris, *Secretary  
New Orleans*

#### Judicial Administration

Louis H. Yarrut, *Chairman,  
New Orleans*  
Minos D. Miller, Jr., *Vice-chairman,  
Jennings*  
Percy E. Brown, *Secretary  
Arcadia*

#### Mineral Law

A. K. Goff, Jr., *Chairman  
Ruston*  
Vance Plauche, *Vice-chairman,  
Lake Charles*  
Simon Herold, *Secretary  
Shreveport*

#### Criminal Law

Michael E. Culligan, *Chairman,  
New Orleans*  
Jack L. Simms, *Vice-chairman,  
Leesville*  
Thompson L. Clark, *Secretary  
St. Joseph*



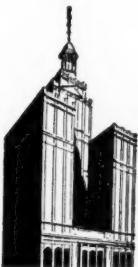
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If you write your own will to save the fee that a lawyer would charge for drawing it, you save a few dollars—and it may cost your family many times that fee.

Your "home-made will" may be declared invalid by the court. Then your estate will be distributed in the way the intestate law provides, perhaps depriving your wife of part of your property.

Your "home-made will" may transfer your estate to your family in the most expensive way, exposing it to unnecessary taxes and administration costs. An attorney, on the other hand, can probably suggest a more economical method of transfer that may save hundreds of dollars for your family.

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